

Deposition of Wilhelm Haeni, 3/11/2014

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIAIN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI) MDL Docket No. 875

E.D. Pa. Case Nos.

Dianne Jacobs v. Owens-Illinois, 13-CV-60011

Inc., et al.

Cindy Zickert v. Bayer Crop Science, 13-CV-60013

Inc., et al.

Harvey Helms v. 3M Company, et al. 13-CV-60018

Brian Heckel v. 3M Company, et al. 13-CV-60019

Deposition of WILHELM HAENI

Tuesday, March 11, 2014

10:10 a.m.

at

HOLIDAY INN CONFERENCE CENTER

750 South Central Avenue

Marshfield, Wisconsin

Reported by Lindsay DeWaide, RPR, RMR, CRR

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(Original exhibits attached to original transcript;
copies of exhibits attached to copies of transcript.)

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1 Deposition of WILHELM HAENI, a witness in the
2 above-entitled action, taken at the instance of the
3 Plaintiffs, pursuant to the Federal Rules of Civil
4 Procedure, pursuant to notice, before Lindsay DeWaide,
5 Registered Professional Reporter, Certified Realtime
6 Reporter, and Notary Public in and for the State of
7 Wisconsin, at HOLIDAY INN CONFERENCE CENTER, 750 South
8 Central Avenue, Marshfield, Wisconsin, on the 11th day
9 of March, 2014, commencing at 10:10 a.m. and concluding
10 at 12:58 p.m.

A P P E A R A N C E S:

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Appeared on behalf of Weyerhaeuser Company.

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Appeared on behalf of General Electric Company.

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TRANSCRIPT OF PROCEEDINGS

(Exhibit Nos. 1 and 2 marked for identification.)

WILHELM HAENI, called as a witness

herein, having been first duly sworn on oath, was
examined and testified as follows:

E X A M I N A T I O N

BY MR. McCOY:

Q Mr. Haeni, before we start, we've marked as
Exhibit 1 the notice for today's deposition. And
as Exhibit 2, we marked testimony that you had
given before on May 28, 1998, so -- and today
we'll go ahead and get started.

A Okay.

Q First off, can you give us your name and spell
your last name for everybody.

A Bill Haeni. H-A-E-N-I, my last name.

Q Okay.

A My full name is Wilhelm, which would be
W-I-L-H-E-L-M.

Q And where do you live now, Mr. Haeni?

A 717 East 25th Street, Marshfield.

Q And I'll go back in time briefly. Where were you
born at?

A Auburndale.

Q And what's your birthdate?

1 (Pages 1 to 4)

1 **A Let's see. It's January 27th. You want me to**
 2 **remember how far back that was?**
 3 Q Give us a year, or close.
 4 **A That's 1930.**
 5 Q And in terms of schooling, how far did you get?
 6 **A About 8th grade.**
 7 Q And your family -- are you married?
 8 **A Yes.**
 9 Q Wife still with you?
 10 **A Yes.**
 11 Q Do you have any children?
 12 **A Yes.**
 13 Q How many children?
 14 **A We have three.**
 15 Q And you got some grandchildren now?
 16 **A Yes. There's also -- there's three grandchildren,**
 17 **and we have two great-grandchildren.**
 18 Q Okay. And have you been in the Marshfield area
 19 for a long time?
 20 **A Yep. I lived in Marshfield since 1970.**
 21 Q And where did you live before that?
 22 **A Out on the farm about 20 miles south --**
 23 Q Okay. 20 miles south of Marshfield?
 24 **A Of Marshfield. Yes.**
 25 Q All right. And did you spend any time in the

1 service?
 2 **A Yes. I got two years in the Army.**
 3 Q And did you get an honorable discharge?
 4 **A Honorable discharge.**
 5 Q What was your rank at discharge?
 6 **A Corporal.**
 7 Q And where did they have you stationed at?
 8 **A Alaska.**
 9 Q About what year did you get out of the service?
 10 **A '52 September, I think it was.**
 11 Q Now, after the service, did you get a job at
 12 Weyerhaeuser?
 13 **A Went back to Weyerhaeuser to work.**
 14 Q And did you ultimately get into the detail
 15 department at Weyerhaeuser?
 16 **A Shortly after, yeah. Yes.**
 17 Q About what year, then, would you say you were in,
 18 best recollection?
 19 **A My recollection would be probably about -- it**
 20 **would be between '54, '55.**
 21 Q In detail?
 22 **A In detail.**
 23 Q Now, you continued to work at Weyerhaeuser until
 24 you retired from Weyerhaeuser; right?
 25 **A Correct.**

1 Q So in that period from when you were in detail
 2 until your retirement, were you in any other
 3 departments besides detail?
 4 **A No. In the begin- -- excuse me. In the**
 5 **beginning, I drifted around the mill somewhat, and**
 6 **then I went back into detail department. Yeah.**
 7 Q Okay. And that's when you -- that's the '54/'55
 8 time frame?
 9 **A Right. Right.**
 10 Q So when you retired, were you still in detail?
 11 **A Yes.**
 12 Q Okay. And what positions did you hold -- well,
 13 what year did you retire?
 14 **A I believe -- my recollection would be '82, I**
 15 **believe it was.**
 16 Q How old were you at retirement?
 17 **A Oh, my goodness. You ask questions. I believe I**
 18 **was 55 or 56.**
 19 Q Okay. So that would make you about '85 or '86?
 20 **A Now?**
 21 Q In terms of retirement year. Would that be --
 22 **A Well, right now I am 84.**
 23 Q Right. If you were born in '30 and you retired at
 24 age 55 or 56, that would make it about '85 or '86
 25 when you retired? 1985 or '86?

1 **A 1985 or '86. Yes. Yes. I'm sorry.**
 2 Q Okay. And so when you -- what positions did you
 3 hold in the detail department over the years?
 4 **A Bench hand, saw operator, lead person, and then I**
 5 **went into salary as supervisor.**
 6 Q All right. Did the detail department have to work
 7 on fire-rated doors?
 8 **A Yes.**
 9 MS. ELLIS: Object to form.
 10 BY MR. McCOY:
 11 Q And what were those fire-rated doors called at the
 12 beginning?
 13 **A Kaylo.**
 14 Q So about when did you start having Kaylo doors in
 15 the detail department, best of your recollection?
 16 **A I'm going to try and -- my best recollection would**
 17 **be somewheres in mid-'50s.**
 18 Q Okay.
 19 **A And --**
 20 Q So you're talking about 1955/'56 time frame?
 21 MR. CASMERE: Object to form.
 22 THE WITNESS: I would say yes.
 23 BY MR. McCOY:
 24 Q Okay. And could you tell us what kind of
 25 operations in terms of cutting had to be performed

on the fire doors in the detail area?

MS. ELLIS: Object to form.

THE WITNESS: In the detail department, the operation was cutting light openings, and that was done with saws in the beginning and -- in the opening.

BY MR. McCOY:

Q Light openings would be for what purposes in the doors?

A For fireproof buildings, they had to have that fireproof glass in there or whatever they call that, and it was metal-framed.

Q Okay. And was there any kind of a structure that was built for the purposes of cutting the fire doors?

MS. ELLIS: Object to form.

THE WITNESS: Yes, there was. We had a booth built, and that would hold two loads. That would be the load that was pulled in, the bench -- (Interruption in proceedings.)

MR. McCOY: We'll take a break here for a moment.

(Off the record.)

MR. McCOY: I understand with your wife there's some --

THE WITNESS: It wasn't --

MR. McCOY: -- concerns, yes. It wasn't that. Okay. Good.

THE WITNESS: Thank you.

MR. McCOY: All right. So let's go back.

Why don't you read back the last question and the answer he started.

(Interruption in proceedings.)

(Record read back as requested.)

MR. McCOY: Okay. You want to go ahead and continue your answer?

THE WITNESS: When I'm saying the two loads, it would be the load that was pulled in, then there was a bench that we did our work on, and then on the other side of -- where they -- the load of the completed door.

BY MR. McCOY:

Q Okay. So when you say a load, you're talking about doors?

A Anywheres from roughly 20 -- the top would have been 30 doors.

Q Were these doors stacked up? Is that what you mean?

A Stacked on a platform.

Q That's what you mean by a load?

A A load. Yes, I do.

Q Okay. And what was the name of this structure? Did it have a name that you guys called it?

A Kaylo booth.

Q And what was the purpose of the Kaylo booth? What was it used for?

A Well, in the beginning, we did the cutting in the open department; and it would get quite dusty with the mineral core flying around, or the Kaylo, and they would confine it to a booth.

And the booth was designed with -- a metal building, like, and a tarp in the front and a big fan in the out -- wall out or wall of the building. That would suck the dust out of the booth and put it into the air.

Q Okay. And you say -- when you say put it in the air --

A Outdoors. Out in the opening and out of the building.

Q Out into the community?

MS. ELLIS: Object to form.

THE WITNESS: Into the community. Yes.

BY MR. McCOY:

Q Okay. Were you -- you were present, then, in

detail when this booth was constructed?

A Yes.

Q Okay. And who built it?

A Maintenance crew.

Q Maintenance crew from --

A Roddis, or Weyerhaeuser's maintenance.

Q Okay. So this booth was about --

(Interruption in proceedings.)

BY MR. McCOY:

Q All right. Can you just give us the dimensions of this booth?

A To my recollection, I'm looking at about possibly 16 feet wide and about -- I want to say maybe 12 deep, 15, 12, 15 feet deep. It was a good-sized booth.

Q And how high was it?

A Let's see. What was the height of that thing? If I remember correctly, I'd say 12, 10 feet.

Q Okay. Was there a roof on it?

A Yes.

Q And did it have, like, a door opening on it?

A The front had a tarp that covered the front as we pulled the loads in and that.

Q Okay. So it was metal on the sides and --

A Metal on the top.

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1 Q Metal on the top?

2 A **And the front, where the loads came in and out,**

3 **that just had a tarp hanging in there.**

4 Q Okay. And then you said there was a fan in the

5 booth?

6 A **There was a fan, yes. And that pulled the air to**

7 **the outside.**

8 Q Was the fan, like, put -- constructed into the

9 wall?

10 A **Into the wall. The hole was cut into the wall.**

11 **Yeah.**

12 Q And how --

13 A **The fan was approximately 3 feet, to my**

14 **recollection. It was 3 to 4 feet wide in size,**

15 **you know. That's a good-sized fan.**

16 Q Did it do a good job in terms of pulling out the

17 dust?

18 A **Oh, yeah.**

19 Q So inside the booth, then, what equipment was

20 there for actually doing cutting of the doors?

21 A **We called -- it was a Casey saw. It's similar to**

22 **the use of a Skilsaw. It followed a guide. And**

23 **it had a lever on there that you would set it up,**

24 **and then you'd roll the guide down, and that would**

25 **run the saw blade into the mineral core.**

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1 **And then you'd just push it up along the**

2 **guide and sawdust would fly.**

3 Q Was there any dust collection system on the saw

4 itself or --

5 A **No. No.**

6 Q So all the dust was through the fan?

7 A **Right.**

8 MS. ELLIS: Object to form.

9 BY MR. McCOY:

10 Q What types of doors were cut inside the Kaylo

11 booth?

12 A **The Kaylo door only.**

13 Q And about -- I'm sure it probably varied depending

14 on the production needs, but what would you say

15 would be the time frame in which, on a daily

16 basis, there might be a need for cutting?

17 MS. ELLIS: Object to form.

18 BY MR. McCOY:

19 Q Your best recollection or estimate.

20 A **To the best of my recollection would be a small**

21 **load, 20 minutes up to possibly three hours.**

22 Q Per day?

23 A **Per day.**

24 Q Was there a work area for more than one operator

25 inside the booth?

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1 A **No.**

2 Q Okay.

3 A **One operator only.**

4 Q Did you actually work inside the booth yourself?

5 A **Yes.**

6 Q So you ran the saw sometimes?

7 A **Yes.**

8 Q And when the Kaylo booth was there, where was

9 detail located in the plant?

10 A **Pardon?**

11 Q Where was detail located in the plant when the

12 Kaylo booth was there?

13 A **Second floor, north end of the building.**

14 Q Did detail move to another part of the building?

15 A **Later, yes, to the basement of the newer part.**

16 Q And what's your best recollection as to how many

17 years you'd been in detail that it moved to the

18 basement?

19 MS. ELLIS: Object to form.

20 THE WITNESS: Time flies. I want to

21 say -- oh, boy. Boy, that's a -- I'm going to go

22 somewhere possibly about ten years.

23 BY MR. McCOY:

24 Q Okay. Were you a leadman when it moved to the

25 basement or a supervisor?

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1 A **The basement, I was supervisor.**

2 Q Okay. Were you supervisor before it moved to the

3 basement?

4 A **No. I was a lead person.**

5 Q So when it moved to the basement, that's about

6 when you became supervisor?

7 A **Yes.**

8 Q Did the operation of cutting the mineral core

9 doors continue in the basement?

10 A **Yes. But that was done by routers, which was --**

11 **it was piped into a dust collection, but not as to**

12 **directly from the -- it would -- dust would drop**

13 **into a bin and it would be sucked away. That was**

14 **with a mix of whatever came.**

15 Q And when I use that term fire -- when I use the

16 term "mineral core," do you understand that to be

17 the same as --

18 A **That's the fire.**

19 **(Interruption in proceedings.)**

20 BY MR. McCOY:

21 Q When I use the term "mineral core," do you

22 understand that to mean the same as fire-rated

23 doors?

24 MS. ELLIS: Object to form.

25 THE WITNESS: Okay. Yes.

4 (Pages 13 to 16)

BY MR. McCOY:

Q Okay. All right. So you said that it was -- it was in the bin and then it was piped, the dust, from the fire door cutting?

MS. ELLIS: Object to form.

THE WITNESS: Excuse me? Would you repeat that?

BY MR. McCOY:

Q Okay. Why don't you describe for us in the basement -- after detail moved to basement, how the dust was removed from the cutting of the fire doors.

A With the fire doors, it was into a baghouse, what we called the baghouse with the mineral. That's after we were notified of the hazard.

Q Okay. And when you say "notified of the hazard," how did that take place?

A Pardon?

Q How did you get notification of the hazard?

A How did we get notified?

Q Yes.

A The head office. That's all I know about it.

Q Did somebody --

A They come upstairs, let us know, and then we had to take action.

Q Did somebody come out from Washington at all to --

A Yeah.

MS. ELLIS: Object to form.

THE WITNESS: That was Joe Wendlick.

BY MR. McCOY:

Q Was this -- was this about the time that there was notification of the hazard?

A That's our notification, yeah.

Q Okay. And you say Joe -- Joe Wendlick came out from where?

A Pardon?

Q Where did Joe Wendlick come out from?

A From Tacoma. From the head office up there, as far as I know.

Q Tacoma, Wash- --

A That's all I knew about it.

Q Tacoma, Washington?

A Tacoma. Correct.

Q Okay. And did you have an understanding what position he had?

MS. ELLIS: Object to form.

THE WITNESS: Yes, I -- we did.

BY MR. McCOY:

Q What was your understanding?

A That he was a chemist or something. No. I can't

quite remember exactly, but --

Q Okay. And does the term indust- --

A To my recollection, yes.

Q Does the term "industrial hygienist" ring a bell?

MS. ELLIS: Object to form.

THE WITNESS: In our meetings, I remember that coming up. Yes.

BY MR. McCOY:

Q When you say "meetings," you mean meetings with --

A With Joe Wendlick.

MS. ELLIS: Object to form.

BY MR. McCOY:

Q All right. Sometimes you gotta wait until she makes her objection.

A I'm sorry.

Q That's fine.

MS. ELLIS: That's okay.

BY MR. McCOY:

Q They're entitled to do their objections, and then you might want to wait -- you have to wait a little bit on the answer.

Okay. So when you say "meetings," were these meetings around the time that Joe Wendlick was present?

MS. ELLIS: Object to form.

THE WITNESS: Yes.

BY MR. McCOY:

Q And could you just --

A All --

Q Go ahead.

A All supervisors were called into these meetings, and he would advise us as what had to take place.

Q Okay. And what did he say about the detail department?

A It wasn't real pleasant because it was very hazardous, what was going on at that time, the dust that we were creating.

Q Did Mr. Wendlick take any measurements of the dust in the detail department?

A Yes. Don't ask me how he did it, but he was down there many times.

Q Did you see him do this?

A A number of times I did, yeah. In fact, we had -- he had employees wearing -- oh, he had a name for them. That they could see how much the employee would be collecting. You know, the dust would be on them.

Q You mean he had the employees wearing cassettes on their collars?

A There was --

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1 MS. ELLIS: Object to form.
 2 THE WITNESS: Yeah. Yes.
 3 BY MR. McCOY:
 4 Q Okay. And those -- that was -- that's part of the
 5 testing you're talking about?
 6 A Yes.
 7 MS. ELLIS: Object to form.
 8 BY MR. McCOY:
 9 Q So describe -- or let me change the question a
 10 little bit.
 11 As a result of Mr. Wendlick's visits, was
 12 there a change as to how the dust removal took
 13 place?
 14 MS. ELLIS: Object to form.
 15 THE WITNESS: Yes. After -- that went
 16 into a baghouse, and everything -- the mineral
 17 core or Kaylo dust had to be routed into a
 18 baghouse.
 19 BY MR. McCOY:
 20 Q Can you explain how that routing and procedure
 21 took place?
 22 A **Work with -- there was a shutoff from the regular**
 23 **dust to the mineral core or Kaylo that took the**
 24 **pipes -- from the pipes out by suction into the**
 25 **baghouse.**

1 A **I don't know what else went on in the other mill.**
 2 Q Right.
 3 A **Parts of the mill.**
 4 Q Right. Were other supervisors in meetings also?
 5 A **Oh, yes.**
 6 Q Okay. So you don't -- what you're saying is you
 7 don't remember what he said about the other areas?
 8 MS. ELLIS: Object to form.
 9 THE WITNESS: No, I can't. This meeting
 10 was held, and they explained to each department to
 11 what was going on. That's mainly what had to be
 12 done in my department. But I'm not familiar,
 13 wasn't familiar what was -- had to be done with
 14 the other ones.
 15 (Interruption in proceedings.)
 16 BY MR. McCOY:
 17 Q Okay. Now, the baghouse system that was installed
 18 after Mr. Wendlick, can you give us some idea of
 19 the dimensions on that baghouse and where it was
 20 placed?
 21 MS. ELLIS: Object to form.
 22 THE WITNESS: To my recollection, if you
 23 stood in the south end of the building outside,
 24 oh, we're looking at -- let's say 10 feet maybe by
 25 10 feet, but it was about -- could have been about

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1 Q And how did the material get into the pipes?
 2 A **It dropped from the routers into the bin.**
 3 Q Okay. And was this system installed after
 4 Mr. Wendlick had been out?
 5 MS. ELLIS: Object to form.
 6 THE WITNESS: Yes.
 7 BY MR. McCOY:
 8 Q Did he talk about this system when he was at
 9 Marshfield?
 10 A **Yes. When you're referring to a system, you're**
 11 **talking about the baghouse?**
 12 Q Yes.
 13 A **Okay.**
 14 Q Did he -- in the meetings that he held at
 15 Marshfield, did he make any other statements or
 16 recommendations about what needed to happen?
 17 MS. ELLIS: Object to form.
 18 THE WITNESS: If I understand correctly,
 19 these meetings were directed strictly to the Kaylo
 20 problem that was in our area.
 21 BY MR. McCOY:
 22 Q Okay. When you say "our area," now, you're
 23 talking about your detail area?
 24 A **Yeah. That's what I'm talking about for myself.**
 25 Q Right.

1 15 feet high.
 2 BY MR. McCOY:
 3 Q Okay.
 4 A **Roughly. My recollection is --**
 5 Q All right. And do you know how often it had to be
 6 emptied?
 7 MS. ELLIS: Object to form.
 8 THE WITNESS: Well, it had to be emptied
 9 once a day.
 10 BY MR. McCOY:
 11 Q When it was emptied, what was it emptied into?
 12 MS. ELLIS: Object to form.
 13 I'm just going to object if the witness
 14 is going to speculate. If he knows, he should
 15 answer; but if not, then he shouldn't.
 16 MR. McCOY: He can -- all right. He can
 17 answer to the best of his recollection.
 18 THE WITNESS: I never was involved in,
 19 but I always heard them talking about filling the
 20 bags.
 21 MR. McCOY: Okay.
 22 MS. ELLIS: Objection. Speculation.
 23 BY MR. McCOY:
 24 Q Did the baghouse system continue to be used all
 25 the way until your retirement in detail or was

6 (Pages 21 to 24)

1 that changed also?

2 **A No. That later year, that was -- again, to my**
3 **recollection, it was after we started making our**
4 **own, I guess it was discontinued.**

5 Q Okay. When you say "making your own," what do you
6 mean?

7 **A They -- without the asbestos. They made the**
8 **clear -- whatever it was called.**

9 Q All right. So I want to go back in time to again
10 when you're starting in detail.

11 What would happen in the summertime with the
12 windows?

13 MS. ELLIS: Object to form.

14 THE WITNESS: To my recollection, about
15 every two years we would clean, knowing it
16 would -- air hoses. We would blow the department
17 ceiling, walls because it was -- it was dusty.

18 And with fans, we made it so it was
19 operable for the men to be working in there,
20 blowing the dust out. And that went out into the
21 community.

22 MS. ELLIS: Object.

23 BY MR. McCOY:

24 Q Okay. When you say used -- you used compressed
25 air from --

1 after Mr. Wendlick came to Marshfield?

2 **A No. I was in the basement with detail, and we**
3 **didn't -- it was never used down there.**

4 Q Okay. How about in the -- in the summertime
5 when -- on hot days? What happened as far as the
6 windows?

7 MS. ELLIS: Object to form.

8 THE WITNESS: The windows were all wide
9 open, and everybody had a fan, and they were
10 all -- the fans were all on. So that was our
11 ventilation.

12 BY MR. McCOY:

13 Q What direction were the fans blowing?

14 **A Blowing out through the outside.**

15 Q So why was it that the fans were being used?

16 **A Well, it got pretty hot in that building.**

17 Q How many windows were there that these fans were
18 blowing out of in the summertime?

19 **A I'm trying to think.**

20 MS. ELLIS: Object to form.

21 THE WITNESS: The north side I think
22 had, if I can recollect, 20 -- the south side had
23 roughly 20 building -- windows. And I believe the
24 north side probably had maybe 12, 13. Well,
25 somewheres in that neighborhood. I'm not a

1 **A Yes.**

2 MS. ELLIS: Object to form.

3 BY MR. McCOY:

4 Q And how many people were in there on these
5 cleanups?

6 **A Well, that would vary, but probably from 10 to**
7 **maybe 15 sometimes. And that was usually done on**
8 **a Saturday.**

9 Q So what did the conditions look like in the air
10 when the -- I'm talking about inside -- when the
11 compressed air was being used to blow the dust?

12 MS. ELLIS: Object to form.

13 THE WITNESS: Very dusty.

14 BY MR. McCOY:

15 Q How many fans were being used to --

16 **A Every fan we could get our hands on. Roughly, I'm**
17 **going to say 10, 15 fans maybe. Possible.**

18 Q How long did these kinds of department cleanups
19 continue where there was compressed air being
20 used?

21 **A All I remember, three years. I mean three**
22 **different times that I was involved with it and**
23 **approximately every two years. After that, I**
24 **don't recall it ever being blown down.**

25 Q Okay. Was there any of these kinds of cleanups

1 hundred -- the best that I can remember.

2 BY MR. McCOY:

3 Q How long did this practice in the summer continue
4 of having the windows open?

5 **A Practically all summer long.**

6 Q Did it continue all the way to the time that you
7 moved to the basement in detail?

8 **A Yes.**

9 Q Was there any other times that Mr. Wendlick came
10 out and did measurements for the air in the detail
11 area?

12 **A I want to say yes. If I can recollect, he was**
13 **there after everything was installed. He came**
14 **back and he would check it. But that's about what**
15 **I can --**

16 Q Okay. So I want to ask you just a question on the
17 policies for employee lunches.

18 Was there any restriction about whether
19 people had to stay inside the building or eat in
20 some particular area?

21 **A Not to my recollection. There never was. There**
22 **was a lunchroom, that you could go to the**
23 **lunchroom. You could stay in your department.**
24 **You could sit on the loads. You could eat**
25 **wherever you felt like.**

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1 Q How about people leaving the building for lunch?
 2 A **They left the building. They would go out into**
 3 **the yard, and there was tables. In some of the**
 4 **areas, they had tables set up outside even.**
 5 **Benches, I should say.**
 6 Q Okay. All right. So you mentioned your
 7 retirement. How is it that your retirement came
 8 about at the age of 55 or -- how did you get that
 9 retirement?
 10 A **Well, we always called it: That's when they want**
 11 **to get rid of the old guys; they paid to get rid**
 12 **of us.**
 13 Q So it was like a buyout?
 14 A **It's a buyout.**
 15 Q And are you working now?
 16 A **My own, yes.**
 17 Q Okay. What do you do now yourself?
 18 A **Locksmith.**
 19 Q Here in Marshfield?
 20 A **Here in Marshfield.**
 21 Q Okay. And you're on 24-hour call?
 22 A **24-hour call.**
 23 Q That's why your phone rings sometimes?
 24 A **Yeah. 24 hours, seven days a week, when I'm**
 25 **there.**

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1 MR. MCCOY: Okay. All right. That's
 2 all the questions I have, Mr. Haeni. Thank you.
 3 THE WITNESS: You're welcome.
 4 MR. CASMERE: Let's take a break.
 5 MR. MCCOY: All right. We'll go off the
 6 record.
 7 (A recess is taken from 10:47 a.m. to 11:02 a.m.)
 8 E X A M I N A T I O N
 9 BY MS. ELLIS:
 10 Q Mr. Haeni, I'm Tanya Ellis, and I represent
 11 Weyerhaeuser Company.
 12 How are you today?
 13 A **Just fine.**
 14 Q Okay. Good.
 15 A **Thank you.**
 16 Q Good. And we spoke on the phone last week; is
 17 that right?
 18 A **Correct.**
 19 Q Okay. But this is our first time to actually meet
 20 in person; right?
 21 A **Correct.**
 22 Q Okay. And you were asked to come here today by
 23 the attorneys from the Cascino Vaughan firm; is
 24 that right?
 25 A **Correct.**

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1 Q Okay. And when were you asked to come here today?
 2 A **See, you're asking questions that are -- I can't**
 3 **remember a day but it was just about last week**
 4 **sometime it was. That's what my recollection is.**
 5 Q Okay.
 6 A **Yeah.**
 7 Q And you were not served with a subpoena; is that
 8 right?
 9 A **No.**
 10 Q Okay. So you came here voluntarily; is that
 11 right?
 12 A **Right.**
 13 Q And how is it that you were asked to come here?
 14 Did somebody call you?
 15 A **Yes. Somebody called.**
 16 Q Okay. Do you know who it was?
 17 A **I think I talked to Bob. I'm not -- if I recall,**
 18 **yes.**
 19 Q You think Bob, Mr. McCoy --
 20 A **Mr. McCoy did, yes.**
 21 Q -- gave you a call last week; is that right?
 22 A **Yeah.**
 23 Q And what did you guys talk about when he called?
 24 A **I guess the call, if I recollect, it was just**
 25 **about the subpoena -- not subpoena. The -- for**

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1 **the deposition and what it was about, and that was**
 2 **about it.**
 3 Q What were you told as to what this deposition was
 4 about?
 5 A **What it was about?**
 6 Q Right.
 7 A **The problem that we had over at Weyerhaeuser.**
 8 Q Okay.
 9 A **About the mineral core.**
 10 Q And did you talk about anything else with
 11 Mr. McCoy when he called you that first time?
 12 A **Well, I couldn't say nothing word for word, no. I**
 13 **couldn't, no.**
 14 Q And did you talk to Mr. McCoy again since that
 15 first phone call?
 16 A **Just when I met him here.**
 17 Q Okay.
 18 A **Yeah.**
 19 Q Did you talk to anybody else from the
 20 Cascino Vaughan firm --
 21 A **No.**
 22 Q -- before today?
 23 A **No.**
 24 Q Okay. And when did you meet with Mr. McCoy today?
 25 A **What was it? Around 9:00. A little after 9:00**

8 (Pages 29 to 32)

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1 maybe. Somewheres in there.
 2 Q So you met with him for about an hour before the
 3 deposition started today?
 4 A Approximately, I would say, yes.
 5 Q And what did you talk about during that hour
 6 before the deposition started today?
 7 A Oh, it was a lot of little things that we talked
 8 about.
 9 Q Like what?
 10 A I don't know. I guess daily whatever went on.
 11 Q Daily what went on at the Weyerhaeuser plant?
 12 A I believe we talked somewhat about it, but I
 13 didn't, you know, just --
 14 Q So you don't remember anything about what you
 15 talked about with him this morning before the
 16 deposition?
 17 A Well, I can't say that I don't remember anything,
 18 but it's just that it's not -- I guess it's not
 19 that I'm taking it, that it's something that I
 20 have to carry with me for the rest of my life.
 21 Let's look at it that way.
 22 Q Okay. So can you tell me anything about your
 23 conversation with Mr. McCoy this morning before
 24 the deposition started?
 25 A I guess it was just mainly of who we're talking

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1 there. After I heard the name, I remembered them
 2 being at the Weyerhaeuser Company, if that's what
 3 you're asking.
 4 Q Right. That's right.
 5 A Yes.
 6 Q You don't remember who any of those names were?
 7 A Well, we talked Joe Stini, but that's sometime --
 8 and other than that, I can't really recall the
 9 names.
 10 Q Okay.
 11 A Because there was a lot of names that were in
 12 there that worked in other departments. I heard
 13 their names, but that's about all I can say on
 14 that one.
 15 Q Okay. So I want to go back and -- because I
 16 called you last week and talked to you about your
 17 time at Weyerhaeuser; is that right?
 18 A Um-hum. Um-hum.
 19 Q And so, as I understood it, you started with
 20 Roddis in 1953?
 21 A Correct.
 22 Q That's right?
 23 A Yeah.
 24 Q So the plant was owned and operated by Roddis when
 25 you started in 1953 --

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1 about, you know, and some of the things that we
 2 just talked about today.
 3 Q Okay. Did Mr. McCoy jog your memory on any facts
 4 or names or dates that you couldn't recall before
 5 this morning?
 6 MR. MCCOY: Object to the form of that
 7 question.
 8 Go ahead and answer.
 9 THE WITNESS: Well, as far as names,
 10 some of the names as to -- are we talking about
 11 people from Weyerhaeuser, are we talking about
 12 people here, or what are we talking about?
 13 BY MS. ELLIS:
 14 Q Anybody. Anybody. People from Weyerhaeuser or
 15 people from here.
 16 A Well, just that he represented one of the other
 17 employees from there and stuff like that.
 18 Q Okay. Did he -- did he mention any names to you
 19 this morning that you were not able to recall on
 20 your own before today?
 21 A That I wasn't able to recall?
 22 Q Right. That you didn't remember until he
 23 mentioned it.
 24 A Let's see. I gotta think of how you're putting
 25 that. There's some. I guess there was names in

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1 A Yes.
 2 Q -- that's right?
 3 And at a certain point, Weyerhaeuser bought
 4 the plant; is that right?
 5 A Right.
 6 Q Okay. And if I told you that Weyerhaeuser bought
 7 the plant in 1960, does that comport with your
 8 memory?
 9 A No. The date wouldn't, no.
 10 Q Okay. Do you have any reason to dispute that
 11 Weyerhaeuser bought the plant in 1960?
 12 I'm not trying to trip you up. I just --
 13 A Because -- because I guess I'm going to say no.
 14 You know, it's -- if it was '60, it was '60. I
 15 mean, they know when they bought it.
 16 Q Right. But whatever date it was, it was; right?
 17 A That was. Yeah.
 18 Q Okay. So --
 19 MR. MCCOY: Can we stop for a moment?
 20 (Off the record.)
 21 MR. MCCOY: Go ahead. We're back on the
 22 record. We can go ahead.
 23 MS. ELLIS: Okay.
 24 BY MS. ELLIS:
 25 Q So you started in Roddis in 1953; correct?

9 (Pages 33 to 36)

1 **A Best of my recollection, it was '53 --**
 2 Q Okay. You got out of --
 3 **A -- '54.**
 4 Q -- the service in '52, and did you do anything
 5 between the service and starting at Roddis?
 6 **A Looking for jobs.**
 7 Q Okay. And did you -- did you land a job other
 8 than the Roddis job --
 9 **A No.**
 10 Q -- before? Okay.
 11 **A No.**
 12 Q So Roddis was your first job out of the service?
 13 **A I went back to Roddis, yeah.**
 14 Q Had you been at Roddis before you went in the
 15 service?
 16 **A A short time.**
 17 Q Do you recall when that was?
 18 **A I want to say it was two years in the service, so**
 19 **it had to be two years before that.**
 20 Q Okay.
 21 **A Yeah.**
 22 Q What did you do before you went in the service
 23 when you worked at Roddis?
 24 **A Well, I worked on the folks' farm. I did work on**
 25 **a mink ranch. I -- wherever jobs were available.**

1 Q Was there any difference in the plant when you
 2 came back after you got out of the service or was
 3 it pretty much the same?
 4 **A To my recollection, no, I didn't think so. It was**
 5 **an old plant.**
 6 Q Okay. So when you came back after the service and
 7 you went back to Roddis, what kind of things were
 8 you doing when you first came back?
 9 **A It was odd jobs for a short time. I got in the**
 10 **core mill, layup, particle door -- not particle --**
 11 **stave core, hollow core slats. Just odd jobs**
 12 **until detail -- I got into detail department.**
 13 Q Okay. And do you recall whether or not Roddis
 14 made fire doors during the time before
 15 Weyerhaeuser took over?
 16 **A You know, I was never involved with it, and it**
 17 **never entered -- no, I can't say that I did.**
 18 **Maybe at some time. I don't recall. I really**
 19 **don't.**
 20 Q So you don't know one way or the other whether
 21 Roddis was making fire doors before Weyerhaeuser
 22 took over?
 23 **A I don't recall.**
 24 Q Okay. So I guess the same would be true for what
 25 you guys referred to as the Kaylo door; is that

1 true? You don't know whether Roddis was making a
 2 Kaylo door before --
 3 **A Oh, they make --**
 4 Q -- Weyerhaeuser took over?
 5 **A No. Roddis didn't make a Kaylo door.**
 6 Q Okay. So --
 7 **A That was always bought -- as far as I was informed**
 8 **about it, that they bought that.**
 9 Q I guess, you don't know whether or not Roddis was
 10 buying Kaylo, though -- do you? -- for use in the
 11 doors?
 12 **A We talked briefly about that, and I did not**
 13 **remember that they did. No, I did not.**
 14 Q Okay. So you could not testify to your personal
 15 knowledge that Roddis was using Kaylo before
 16 Weyerhaeuser took over; is that right?
 17 **A Correct.**
 18 Q Okay. And so at a certain point after
 19 Weyerhaeuser bought the plant, you recall that
 20 they started using Kaylo in the fire doors; is
 21 that right?
 22 **A After -- oh, Weyerhaeuser. Yes.**
 23 Q Do you recall when that was that Weyerhaeuser
 24 started using Kaylo?
 25 **A I'd have to be guessing, and then I just --**

1 Q Okay. Fair enough. We don't want you to guess,
 2 so --
 3 So back to you're at Roddis in between 1953
 4 and 1960 when Weyerhaeuser takes over, and you
 5 mentioned you kind of did -- went around the plant
 6 doing some odd jobs and different things, and then
 7 you landed in the detail department; is that
 8 right?
 9 **A Um-hum.**
 10 Q And do you recall when you started working in the
 11 detail department?
 12 **A I don't think it's more than possibly maybe --**
 13 **maybe two years after I got in there.**
 14 Q Okay.
 15 **A And then I went into detail.**
 16 Q So you went into the detail department while
 17 Roddis still --
 18 **A Oh, yes.**
 19 Q -- owned it? Okay.
 20 **A Oh, yes.**
 21 Q Okay.
 22 **A Yes.**
 23 Q And in the detail department while Roddis owned
 24 the plant, you would have been doing the same sort
 25 of jobs as you did in the detail department after

1 Weyerhaeuser took over; is that right?
 2 **A Right.**
 3 **Q** Machining the doors for locks and hinges and
 4 openings and things like that?
 5 **A In the early parts, we weren't involved with**
 6 **machining of the doors. It was just cutting the**
 7 **light openings, molding doors. Things like that.**
 8 **Q** Okay. And while Roddis still owned the plant
 9 before 1960 and you were in the detail department,
 10 where was the detail department located?
 11 **A Second floor, north wing.**
 12 **Q** And second floor, north wing of the building that
 13 had a basement and three stories; is that right?
 14 **A Yeah. That's the old building I'm talking. Yep.**
 15 **Right.**
 16 **Q** What was that building called? Did the building
 17 have a name?
 18 **A The Roddis plant. That's about all I ever knew**
 19 **it.**
 20 **Q** Okay.
 21 **A That's all we called it.**
 22 **Q** Okay. And there were other buildings on the plant
 23 property; is that right?
 24 **A Yes.**
 25 **Q** Okay. While Roddis still owned the plant before

1 1960, what buildings were on the plant property?
 2 **MR. McCOY:** Objection to the form of
 3 that question.
 4 **THE WITNESS:** The -- there's a
 5 maintenance building that was to the west. There
 6 was a big office on his property. Oh, I guess
 7 there's a few storage buildings. Might have been.
 8 **BY MS. ELLIS:**
 9 **Q** Was the sawmill there while Roddis owned the
 10 plant?
 11 **A While I was there, there was -- sawmill? No.**
 12 **Q** Okay. Was the particleboard plant there while
 13 Roddis owned the plant?
 14 **A Yes. I believe particleboard started then.**
 15 **Q** And when did the sawmill come --
 16 **A I have no recollection of a sawmill there.**
 17 **Q** Okay. So you started in the detail department
 18 before Weyerhaeuser took over. That's right?
 19 **A Yes.**
 20 **Q** And you don't recall when, after Weyerhaeuser took
 21 over, that the doors started to contain Kaylo; is
 22 that right?
 23 **A Say that again, please.**
 24 **Q** So after Weyerhaeuser took over in 1960 and you're
 25 working in the detail department, do you know when

1 the fire doors -- you began to use fire doors that
 2 contained Kaylo?
 3 **MR. McCOY:** I'm going to object to the
 4 form of the question. I don't think he's ever
 5 said he knew the date when Roddis [sic] took over.
 6 **BY MS. ELLIS:**
 7 **Q** You don't know? You don't know when?
 8 **A I can't know.**
 9 **Q** Okay.
 10 **A And I'm not going to guess on it.**
 11 **Q** Okay. Do you know when the detail department
 12 moved from the second floor down to the basement?
 13 **A Oh, that's gotta be -- to give you an exact year,**
 14 **no, I can't do that.**
 15 **Q** Would it have been in the '60s or the '70s?
 16 **A No, just wait now. '60s. It would have to be**
 17 **somewheres in the mid-'60s maybe. That's just**
 18 **a --**
 19 **Q** I gotcha. Just an estimate?
 20 **A That's an estimate. I mean, I just --**
 21 **Q** When did you become a leadman in the detail
 22 department?
 23 **A They opened up a second shift and they made me**
 24 **leadman. That's probably -- oh, my goodness.**
 25 **Probably sometime in the '70s.**

1 **No, wait. That can't be right. That had to**
 2 **be earlier. Maybe toward the mid-'60s or end**
 3 **'60s.**
 4 **Q** So mid to late 1960s?
 5 **A Yeah.**
 6 **Q** The best you can remember?
 7 **A Those are dates that, I guess, all it did was**
 8 **another day to go to work.**
 9 **Q** And when you became leadman in the detail
 10 department, you moved to second shift; is that
 11 right?
 12 **A Correct. I ran second shift for them. Yeah.**
 13 **Q** And in the detail department after Weyerhaeuser
 14 took over, the workers in the detail department
 15 were working on all sorts of doors that the
 16 company made; is that right?
 17 **A Correct.**
 18 **Q** And what were the types of doors that were being
 19 worked on in the detail department after
 20 Weyerhaeuser took over?
 21 **A Well, we had hollow core doors. We had particle**
 22 **core doors. We had stave core doors. We had the**
 23 **Kaylo doors. I guess that's about what I can**
 24 **think of.**
 25 **Q** And were these doors -- excuse me. Strike that.

1 Did you use the same equipment to work on the
 2 various types of doors?
 3 **A Yes. Pertaining to the detail department now.**
 4 **Q** Correct.
 5 **A Yes.**
 6 **Q** Correct. And when the doors got to the detail
 7 department after Weyerhaeuser took over, the doors
 8 had crossbands on them; is that true?
 9 **A Faces.**
 10 **Q** Faces?
 11 **A Face, crossbands, yeah.**
 12 **Q** And the doors had veneer on them as well; is that
 13 right?
 14 **A The veneer is the face. Yeah.**
 15 **Q** Okay. So let's back up, I guess.
 16 Tell me, if you can, how the door was made up
 17 when it got to the detail department.
 18 **A It came up as a full door, and it would be the**
 19 **core, stiles, crossband, and face.**
 20 **Q** And rails as well --
 21 **A Rails.**
 22 **Q** -- is that right?
 23 **A Rails, yeah. Stiles is a rail.**
 24 **Q** Okay. I gotcha. And the stiles or rails, would
 25 those have been made of wood?

1 **A Yes.**
 2 **Q** And the crossbands would be made of wood --
 3 **A Wood.**
 4 **Q** -- as well? And the --
 5 **A The face, wood.**
 6 **Q** -- the face is wood as well; right?
 7 And so the work that you performed in the
 8 detail department would have involved cutting into
 9 the core, whatever it was comprised of, the
 10 stiles, the rails, the face, the veneer, all of
 11 those things; correct?
 12 **A Um-hum. Um-hum.**
 13 **MR. CASMERE:** Is that a "yes"?
 14 **BY MS. ELLIS:**
 15 **Q** Is that -- that's a "yes" --
 16 **A Yes.**
 17 **Q** -- if you will?
 18 **A Sorry.**
 19 **Q** Thank you. You have to answer yes or -- yes or
 20 no.
 21 And so would it be fair to say that the dust
 22 that was created in the detail department would be
 23 dust from all the various components of whatever
 24 door you were working on at the time?
 25 **A Yes.**

1 **Q** So there was wood dust created; is that right?
 2 **A Yes.**
 3 **Q** And there would be dust from the core, whatever
 4 type of core --
 5 **A Whatever core, yes.**
 6 **Q** -- the door had; right?
 7 Okay. So the booth that you talked about
 8 earlier that you referred to as the Kaylo booth --
 9 **A Um-hum.**
 10 **Q** -- I believe you said that was located in the
 11 detail department on the second floor; is that
 12 right?
 13 **A On the second floor. Correct.**
 14 **Q** And that would have been while Weyerhaeuser owned
 15 the company; correct?
 16 **A Correct.**
 17 **Q** And there was no Kaylo booth in the basement; is
 18 that correct?
 19 **A Correct.**
 20 **Q** Do you know when the Kaylo booth was installed?
 21 **A For years now. I'm not going to take a guess at**
 22 **it. I don't know. All I know is as the volume**
 23 **increased, we had to -- with dust flying around**
 24 **the entire department of mineral core, Kaylo core,**
 25 **we had to have a booth made --**

1 **Q** Okay.
 2 **A -- to cut the openings.**
 3 **Q** And -- but that booth would have been installed
 4 before the detail department moved down to the
 5 basement; correct?
 6 **A Yes.**
 7 **Q** And I want to talk about the fan that you
 8 described inside of this booth.
 9 **A Um-hum.**
 10 **Q** You said it's about 3 feet wide; is that right?
 11 **A Yeah. 3 to 4 feet wide. It was a huge fan.**
 12 **Q** And could you see the blades of the fan from
 13 inside of the booth?
 14 **A Yes.**
 15 **Q** Could you see through the fan to the light
 16 outside --
 17 **A Yes.**
 18 **Q** -- the plant? You could.
 19 What were the blades of the fan made of?
 20 **A They were metal.**
 21 **Q** And did the fan have a face or a cover on it at
 22 all?
 23 **A There was a cover that we could put after we got**
 24 **through using -- shutting it off, then we closed**
 25 **it up.**

1 Q I'm sorry. I don't -- I don't quite understand
2 what you mean by that.
3 A **Okay. The fan was mounted into the wall, and we**
4 **had just a wood shutter to put on there, and that**
5 **closed it off from the outdoor.**
6 Q So when you weren't using the fan, you put the
7 wood shutter over it; correct?
8 A **Correct.**
9 Q When the fan was operating, did it have a cover on
10 it at all?
11 A **No. We had to open it up to blow everything out.**
12 Q So to me, that sounds a little dangerous to have a
13 3-foot-wide fan with a metal blade circulating --
14 A **Yeah.**
15 Q -- and you're working right beside it.
16 A **But that's -- you know, a fan has a screen, and it**
17 **had a net that -- a metal netting over it on our**
18 **inside.**
19 Q Okay.
20 A **To be honest, I cannot answer if it had it on the**
21 **outside because I never went outside to look.**
22 Q Okay. So you -- and that was my next question.
23 You never saw the fan from the outside of the
24 building?
25 A **I never looked at it. Uh-uh.**

1 Q Okay.
2 A **I had no reason to go to the north side of the**
3 **building outside.**
4 Q Okay. And so on the inside, though, it definitely
5 had a metal screen --
6 A **Yes, it did.**
7 Q -- or cover over it --
8 A **Yes, it did.**
9 Q -- to keep someone from sticking their hand --
10 A **Yeah.**
11 Q -- in there or something like that; right?
12 A **Yeah.**
13 Q Okay.
14 A **Yeah.**
15 Q So how is it that you went from first shift in the
16 detail department to leadman on the second shift?
17 That was considered a promotion?
18 A **Somewhat.**
19 Q Okay.
20 A **It's a promotion without the money.**
21 Q Was there any difference in operations between the
22 first shift and the second shift?
23 A **Quite a bit.**
24 Q And what was -- what was the difference in
25 operations?

1 A **Well, to us it was the cream loads went to the**
2 **first shift, and the crap loads went to the second**
3 **shift.**
4 Q And when you say "crap load," what do you mean by
5 crap load?
6 A **One door of this, one door of that, one door of**
7 **this as far as to -- is it a louver, then it's a**
8 **metal louver, it's a wood louver, it is a molding,**
9 **light openings, and stuff like that.**
10 Q So quite a bit of different --
11 A **Yes.**
12 Q -- doing different work on different doors --
13 A **Yeah.**
14 Q -- that came through?
15 Were the same general operations performed on
16 the second shift as the first?
17 A **Yes.**
18 Q So the same type of work was being done?
19 A **Yes.**
20 Q Before this booth was installed, was there any
21 sort of dust collection system in the detail
22 department?
23 A **No.**
24 Q So no ventilation whatsoever on --
25 A **Yeah.**

1 Q -- the second floor?
2 A **Yeah, there was.**
3 Q There was? What was the ventilation system?
4 A **Open up the windows and let the fan blow it out.**
5 Q Okay. So no sort of what I'm referring to as a
6 formal dust collection system installed in the
7 detail department; is that right?
8 A **No. No.**
9 Q All right. And is it fair to say that this booth
10 was the first, I guess, method installed to
11 collect dust in the detail department?
12 A **Excuse me. That didn't collect dust.**
13 Q I guess, to remove --
14 A **That blew --**
15 Q -- the dust?
16 A **-- the dust away from the operator, from the**
17 **doors, outside into the atmosphere.**
18 Q Okay. And did you ever see -- you said you never
19 saw the fan on the other side; right?
20 A **No.**
21 Q Okay. So you never saw what it looked like on the
22 other side of that fan --
23 A **Uh-uh.**
24 Q -- outside; right?
25 A **Uh-uh.**

1 Q Okay. And you don't know what years that booth
2 was used?

3 A **Well, I -- I don't know the exact years. I can't**
4 **tell you that. But if I can recollect, we**
5 **probably had that about three, four years. And**
6 **then we had to quit because we couldn't use that.**
7 **And it didn't happen until we went**
8 **downstairs, because downstairs we had to put in**
9 **the dust collection.**

10 Q And when you went downstairs --

11 A **Into the basement of the building.**

12 Q When you moved downstairs to the basement, was
13 that dust collection system already in place when
14 you got down there?

15 A **Not -- the mineral core wasn't.**

16 Q That was built after you moved the detail
17 department down to the basement?

18 A **That was probably a year or two years or roughly.**
19 **I'm only giving a wild guess there, and I**
20 **shouldn't do that, that the mineral core had to**
21 **have a separate dust collection.**

22 Q The process you described in the basement of the
23 dust falling into a bin --

24 A **Um-hum.**

25 Q -- and then it was sucked away, was that in place

1 when you moved down to the basement or did that
2 come later?

3 A **No. That was in place then.**

4 Q Okay. And that collected all types of dust; is
5 that right?

6 A **In the beginning, all types, yes.**

7 Q Okay. And then at a certain point later, you
8 described this other ventilation system where
9 there's sort of a head hooked up to your router
10 when you're cutting on the mineral core doors; is
11 that right?

12 A **There was a -- yes, there was. And also on the**
13 **booth itself, the collection. And that was**
14 **collected in the baghouse. What we called the**
15 **baghouse.**

16 Q Okay. And where did you say that baghouse was
17 located?

18 A **On the south side of the building.**

19 Q And you didn't have any responsibility for the
20 baghouse, did you?

21 A **No.**

22 Q And you didn't have any responsibility for the
23 dust collection system, the maintenance --

24 A **No.**

25 Q -- of that system, did you?

1 A **No.**

2 Q And you never worked in the mineral core plant,
3 did you?

4 A **No.**

5 Q You never worked in the core mill, did you?

6 A **Well, that was in the early years when I -- core**
7 **mill, they had the strips for hollow core. You**
8 **had to sort them. That was odd jobs.**

9 Q Back in the '50s?

10 A **That's just -- yeah. In the early beginnings.**

11 Q Did you ever work in the core mill after
12 Weyerhaeuser took over?

13 A **No. No.**

14 Q And so you didn't have any responsibility for
15 emptying the baghouse, did you?

16 A **No.**

17 Q And you didn't have any responsibility for
18 disposing the waste or --

19 A **No.**

20 Q -- whatever came from the baghouse, did you?

21 A **No.**

22 Q Did you ever see that process being done? Did you
23 ever see anyone empty the baghouse?

24 A **No. I -- no.**

25 Q And you don't know where they took the waste from

1 the baghouse, do you?

2 A **All I can say is it went off the premises.**

3 Q And from there, you don't know?

4 A **No.**

5 Q How long after you went on second shift as a
6 leadman until you became foreman?

7 A **My best recollection, it probably would have been**
8 **about three, maybe four years after leadman. And**
9 **that's all I can --**

10 Q Were you on second shift the entire time you were
11 leadman?

12 A **Pardon?**

13 Q Were you on second shift the entire time you were
14 leadman?

15 A **Yes.**

16 Q And when you became foreman, did you go back to
17 first shift?

18 A **Yes.**

19 Q And were you ever leadman in the basement?

20 A **No.**

21 Q So when you moved to the basement, you became
22 foreman?

23 A **I was foreman, yes.**

24 Q I think you may have said that already.
25 Now, I want to talk to you -- you mentioned

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1 earlier when Mr. McCoy was asking you questions
 2 about Joe Wendlick coming from Tacoma.
 3 **A Um-hum.**
 4 Q Do you recall that?
 5 **A Um-hum.**
 6 Q And now, is Joe Wendlick a name that you
 7 remembered today before you met with Mr. McCoy?
 8 **A I remembered the gentleman, but I did not remember**
 9 **his name, no.**
 10 Q Okay. So that would be a name that Mr. McCoy
 11 reminded you of this morning before the
 12 deposition?
 13 **A Correct.**
 14 Q Okay. And do you know when it was that you met
 15 Joe Wendlick for the first time?
 16 **A I can't recollect a year. No, I don't. All I**
 17 **know is when the time -- when they said it was a**
 18 **hazardous material, Joe Wendlick appeared on the**
 19 **site.**
 20 Q Okay.
 21 **A So that's about all I can remember.**
 22 Q Okay. And we'll hop back a couple of steps. I'm
 23 jumping around a little bit. But do you know who
 24 manufactured those baghouses or the baghouse that
 25 you described --

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1 **A No, I don't.**
 2 Q -- at the Weyerhaeuser plant?
 3 **A No.**
 4 Q Do you know who designed the system in the mill of
 5 the ventilation system or, you know, installing
 6 the baghouse?
 7 **A I don't know if it was any outside help. I can't**
 8 **answer that.**
 9 Q Okay. And you don't know whose job it was to
 10 maintain the baghouses?
 11 **A Well, there's somebody from the -- I don't even**
 12 **know how it began, but there would be -- two or**
 13 **three different people were assigned to empty**
 14 **these bags. Like, for detail department, there**
 15 **was two or three different gentlemen that would go**
 16 **out and empty them.**
 17 **They had to have special clothes on and**
 18 **everything, a mask, and -- but I -- how they --**
 19 **the way that came about, all I know is that I was**
 20 **told that this -- these two or three or four men**
 21 **would be doing that.**
 22 Q Okay. And you never had to perform that job --
 23 **A No.**
 24 Q -- yourself?
 25 **A No.**

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1 Q Okay. And you never saw a baghouse emit dust or
 2 spit out dust or anything like that, did you?
 3 **A No. I can't say I did, no.**
 4 Q So back to talking about Mr. Wendlick, you just
 5 recall that you met him at a certain point after
 6 you had learned that asbestos might be hazardous;
 7 is that right?
 8 **A Correct.**
 9 Q And who informed you that asbestos might be a
 10 hazardous substance?
 11 **A Pardon?**
 12 Q Who informed you that asbestos might be a
 13 hazardous substance?
 14 **A At a meeting with Mr. Wendlick.**
 15 Q Okay. And what were you told?
 16 **A Word for word, I can't tell you. But it was a**
 17 **hazardous material and they were going to have to**
 18 **make changes, you know. And, in fact, we**
 19 **discontinued cutting until everything was put in**
 20 **operation.**
 21 Q And so you were told that you had to start taking
 22 safety precautions in your various departments; is
 23 that fair?
 24 **A Yes, we did.**
 25 Q And some of the safety precautions you had to

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1 start taking would be wearing masks --
 2 **A Masks.**
 3 Q -- is that true?
 4 And another safety precaution would be the
 5 ventilation system that we've talked about; is
 6 that right? The dust collection system?
 7 **A The dust collection. Yes.**
 8 Q Okay.
 9 **A Yes. Yes.**
 10 Q What other safety precautions were put into place
 11 after this meeting?
 12 **A We're talking mineral core? Kaylo doors?**
 13 Q Right.
 14 **A It was just dust collection and wearing masks.**
 15 **That's about all I can -- to my recollection, that**
 16 **would have been it.**
 17 Q So as the supervisor over the detail department,
 18 it would have been your job to be sure the
 19 employees were wearing their masks and taking the
 20 necessary precautions; is that true?
 21 **A It would have been my job to inform each one that**
 22 **they have -- they must wear masks. If there is**
 23 **someone hiding behind a load where work sometimes**
 24 **was performed, I can't say everybody did.**
 25 Q And you informed the employees, as you said, that

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they needed to be wearing masks when they worked with mineral core?

A They -- yes.

Q You did?

A In fact, everybody that came into the department, we would be wearing masks in those certain areas where that work was going on.

Q What about uniforms? Did the employees have to wear uniforms?

A In the department, no.

Q Did you have regular safety meetings with the employees of your department in the detail department?

A I believe once a month we'd call a safety meeting. I always like to get somebody in to present something about safety.

Q And I assume asbestos was discussed at some of these safety meetings?

A I don't really -- my recollection, I don't recall that it was.

Q Okay. After this initial meeting that you had with Mr. Wendlick, did you have occasion to see him again?

A I believe, if I recall, he came back and -- to perform some tests as to how the air was, and

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A No.

Q You moved there later?

A We moved there after -- yeah. After that.

Q What was the address of that house?

A It was Hinman Avenue.

Q Do you recall who your neighbors were on Hinman Avenue?

A Let me see. It was -- oh, my goodness. Those neighbors are gone so long. I can't even remember the name of the people that we bought the house from. Baltus was one neighbor. Farnsworth was a neighbor. Mr. Hoffman and his wife, they were neighbors. I can see them, but I can't remember their names.

Q Okay. That's -- that's good.

And so could you see the plant from your house on --

A Oh, yes.

Q -- Hinman Avenue?

A Yeah.

Q And you don't recall ever having any dust or debris from the plant come onto your property, do you?

A I can't say that I recall any of it coming there. I know of neighbors complaining about it, and --

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that's about all I can recollect of that.

Q Did you see him in the plant performing those tasks that you're describing?

A I've -- yes, I seen him. Even the employees wearing little -- whatever you want to call these things that tell how much dust there was around them. Yeah.

Q Do you know when that was that Mr. Wendlick would have been back in the plant?

A I couldn't bring back a date, but maybe I'm going to say something probably like the following year or something after it was put in operation. And that, again, is only an assumption.

Q Okay. I'm going to back up and kind of talk about where you lived back during this time. And I believe when we talked, you mentioned that at a certain point you lived about a block and a half north of the plant; is that right?

A It's approximately a block and a half north. Correct.

Q And when did you live a block and a half north of the plant?

A While I was working at Weyerhaeuser.

Q Okay. Would you have lived there when you were working at Roddis starting in 1953?

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Q What neighbors are those?

A Well, the neighbors across the road from us, they complained about it.

Q Which neighbors were those?

A Well, that one, I can't even remember what their name was.

Q And how do you know they --

A They were --

Q -- complained?

A -- elderly people when we got there and --

Q How is it that you know they complained?

A We'd -- we'd talk about it, you know, about the dust coming. And it was very obvious, you know, we're blowing a lot of stuff out there. And especially those that live right across the road, which was right next to the building.

You know, Mr. and Mrs. Thiemke, they lived right up on that road; and they complained about sometimes almost, like, have to -- cleaning their clothes a second time after she hung it up.

Q What street was it Mr. and Mrs. Thiemke lived on?

A Depot Street.

Q And how do you know that they complained?

A Well, we were pretty close friends with the Thiemkes.

16 (Pages 61 to 64)

1 Q And they told you that they complained about it?
 2 A **Yeah.**
 3 Q And what are --
 4 A **Now, excuse me, ma'am. They complained to**
 5 **neighbors, to us, about it.**
 6 Q Okay.
 7 A **Yeah.**
 8 Q So you don't know whether or not they complained
 9 to Weyerhaeuser about it; is that right?
 10 A **That, I can't answer.**
 11 Q And when was it that Mr. and Mrs. Thiemke
 12 mentioned this to you or complained to you about
 13 it?
 14 A **I guess after she had to redo her clothes, that**
 15 **would be a complaint. You know, she'd see us and**
 16 **she'd complain about it.**
 17 Q And what specifically did Mrs. Thiemke complain
 18 about?
 19 A **The dirt that we were creating, you know, into the**
 20 **air, the dust.**
 21 Q So she thought dust from the plant was coming into
 22 her yard and getting on the clothes she hung out.
 23 Is that --
 24 A **Yes.**
 25 Q -- what you're saying?

1 A **Yes.**
 2 Q Anything else specific about what Mrs. Thiemke
 3 told you?
 4 A **Well, no. I can't -- no. I wouldn't try to point**
 5 **anything out, no.**
 6 Q And you don't know specifically from the plant
 7 where this dirt or dust would be coming from that
 8 Mrs. Thiemke complained about?
 9 A **Well, there was a huge wall -- hole in the wall,**
 10 **and that had a big fan in it, and that was blowing**
 11 **a lot of dust out.**
 12 Q Okay. But can you say from personal knowledge
 13 whether that was the dust that got into
 14 Mrs. Thiemke's yard?
 15 A **No, I can't say that.**
 16 Q What is Mrs. Thiemke's first name?
 17 A **Bev.**
 18 Q And Mr. Thiemke's name?
 19 A **Leroy.**
 20 Q Are they still around?
 21 A **In fact, they're still living on Hinman -- on**
 22 **Depot Avenue.**
 23 Q Depot Street?
 24 A **Yeah.**
 25 Q Okay. So we'll go back to your house on Hinman.

1 You never had any dust or dirt from the plant
 2 onto your property, that you recall; isn't that
 3 right?
 4 A **I can't say that, that we did.**
 5 Q And I want to -- anybody else other than Mr. and
 6 Mrs. Thiemke that you recall talking about dust or
 7 dirt from the plant being on their property?
 8 A **Well, there's other neighbors around there, you**
 9 **know, that when we'd be talking with Thiemkes,**
 10 **they'd let them know about the problems that were**
 11 **there, the dust and that.**
 12 **But other than that, no. I'm not going to**
 13 **try and get into -- I didn't talk directly to**
 14 **them, so I'm not going to say nothing about that.**
 15 **I don't know.**
 16 Q So did you talk directly with the Thiemkes
 17 about --
 18 A **Oh, yes.**
 19 Q -- about what you just described here?
 20 A **Yeah.**
 21 Q You did talk directly with them about it?
 22 A **Yeah. We talked about it, about the dust coming,**
 23 **yeah.**
 24 Q And you don't know whether or not they actually
 25 informed Weyerhaeuser --

1 A **No.**
 2 Q -- of their complaints; is that right?
 3 A **I wouldn't have the slightest idea.**
 4 Q How long did you live in that house on Hinman?
 5 A **Let's see. I don't recall the year we bought it,**
 6 **but I do know it was 1970 when we moved out.**
 7 Q Moved out of the house in 1970, and then where did
 8 you move to after that?
 9 A **On the south side of town.**
 10 Q What was your address on the south side of town?
 11 A **717 East 25th Street.**
 12 Q And that's where you live now?
 13 A **Yep.**
 14 Q Can you see the plant from your house where you
 15 live now?
 16 A **No.**
 17 Q So fair to say you don't have any issues with dust
 18 or debris from the plant coming --
 19 A **No. No.**
 20 Q -- onto your property on 25th Street; is that
 21 right?
 22 A **Correct.**
 23 Q You talked about, when Mr. McCoy was asking you
 24 some questions, the number of windows that were
 25 located on the north and south side of the plant

1 on that second floor where the detail department
 2 was; is that right?
 3 **A Um-hum. Um-hum.**
 4 **Q** Is that what you were describing, the windows that
 5 would be on the second floor?
 6 **A On the second floor.**
 7 **Q** Right. And so the detail department was located
 8 on a part of the second floor; is that right?
 9 **A Correct. The north -- let's see. That would have**
 10 **been the northeast wing of the plant. Yeah.**
 11 **Q** And there were other operations on the second
 12 floor; is that right?
 13 **A Yes.**
 14 **Q** What other operations were up there?
 15 **A The sawmill was -- not saw. I'm sorry. The**
 16 **door -- let me see. What did they call that one**
 17 **there? The door inspection department was on the**
 18 **second floor. The press was on the second floor.**
 19 **That was called the glue room.**
 20 **Let me see. There was another one there.**
 21 **Oh, my goodness. I can't think of the name of**
 22 **that one. See, I've been gone from there at least**
 23 **a day or two.**
 24 **Q** I understand.
 25 **A Let me see here now. Door department. I believe**

1 **it was called the door department.**
 2 **Q** What happened in the door department?
 3 **A That -- they sized the door.**
 4 **Q** Sized it meaning they cut off the leftover --
 5 **A Excess. Yeah. The crossband.**
 6 **Q** And veneer?
 7 **A Veneer. Yeah.**
 8 **Q** Okay.
 9 **A Sized it to whatever size door it came to be.**
 10 **Q** That would not involve cutting into the core; is
 11 that correct?
 12 **A No. I don't ever recall them cutting into Kaylo.**
 13 **I don't know anything about it.**
 14 **Q** Okay. So the windows that -- I think you said
 15 there were 12 or 13 windows along the north side
 16 and maybe about 20 windows along the south side;
 17 is that right?
 18 **A To my recollection, yes.**
 19 **Q** And so you're saying across the entire length of
 20 the building; is that right?
 21 **A Of our wing.**
 22 **Q** So you're referring actually just to your wing of
 23 the building?
 24 **A Our wing, yes. For the detail department where we**
 25 **were involved.**

1 **Q** So the northeast wing of the second floor of the
 2 detail department had 20 windows on the south
 3 side?
 4 **A Approximately. To my recollection, yes.**
 5 **Q** So if it's on the northeast side of the building,
 6 there wouldn't be any windows along the south
 7 side; right?
 8 **A Yes, there was.**
 9 **Q** How did that work?
 10 **A Because that was a wing.**
 11 **Q** Oh, I see. It was a wing.
 12 **A It was a wing, and then there was a -- I don't**
 13 **know what you want to call it. There was a**
 14 **connection between this wing and the next one**
 15 **there. You brought the loads through there.**
 16 **Q** I think I understand. So there was sort of a
 17 walkway from the main building, the main second
 18 floor, out to the wing where the detail department
 19 was?
 20 **A Yes, there was.**
 21 **Q** Is that right?
 22 **A Yep.**
 23 **Q** Okay. So the detail department would have been
 24 separated by this walkway from the rest --
 25 **A It was a --**

1 **Q** -- of the second floor?
 2 **A -- pretty good-sized walkway, if you're going to**
 3 **call it a walkway.**
 4 **Q** Okay.
 5 **A In fact, there was two. There was one on the very**
 6 **east end of that wing and one almost to the other**
 7 **end. There was another small section that was**
 8 **back there yet.**
 9 **Q** So if you looked out of the detail department out
 10 of the windows on the south side, what would you
 11 see?
 12 **A Then we were looking at the other building.**
 13 **Q** Okay. And if you looked out the windows on the
 14 north side, what would you see?
 15 **A Then we could wave to the neighbors.**
 16 **Q** Okay. And you recall working with Roger Seehafer
 17 in the detail department; is that right?
 18 **A Yes.**
 19 **Q** Did you work with Roger on the second floor or did
 20 you work with him in the basement or both?
 21 **A Second floor and the basement.**
 22 **Q** Okay. And what was Roger's job when you worked
 23 with him?
 24 **A Let me see. I believe Roger ran the -- one of**
 25 **the -- machining the doors for hinges and that.**

1 **And I do believe -- now, the best of my knowledge,**
 2 **I do believe that he did run the saw at times,**
 3 **cutting the mineral core.**
 4 Q Okay. Would Roger have had to work in this Kaylo
 5 booth that you described earlier?
 6 A **I'm almost -- I'm going to say yes, he did.**
 7 Q And when you moved into the basement at least, you
 8 would have been Roger's foreman; is that right?
 9 A **Correct.**
 10 Q And you also worked with Rita Treutel; is that
 11 right?
 12 A **Yes.**
 13 Q And Rita was -- Mrs. Treutel was the mill -- your
 14 clerk; is that right?
 15 A **Yes.**
 16 Q And so as the clerk, what were her job duties?
 17 A **As work orders came from across the street and**
 18 **that, she would put them into special books and**
 19 **that and just take care of the office work.**
 20 Q Where was the office located in the detail
 21 department?
 22 A **In the detail department, about center.**
 23 **Approximate center.**
 24 Q Are we talking about on the second floor --
 25 A **In --**

1 Q Okay. So you really can't testify --
 2 A **No. I could testify --**
 3 Q -- what Mr. Treutel did?
 4 A **-- where he worked, no.**
 5 Q Okay.
 6 A **But he was foreman in one of those departments.**
 7 Q Okay.
 8 (Court reporter interruption.)
 9 BY MS. ELLIS:
 10 Q So you mentioned Mrs. Treutel's job would be to
 11 take orders in and input orders; is that right?
 12 A **Yes.**
 13 Q And what else? What else would she have been
 14 doing?
 15 A **Each section of our operations, we had books that**
 16 **carried these orders, and she'd put them into**
 17 **these books out in -- on the floor. So -- and**
 18 **then whatever else went on in the office work.**
 19 Q So she would have had to come from the office out
 20 onto the -- what I'll call the manufacturing
 21 floor?
 22 A **Yes, she did.**
 23 Q Okay.
 24 A **Yes, she did.**
 25 Q To the detail department.

1 Q -- or are we talking the basement?
 2 A **On the -- in the basement.**
 3 Q Okay. So her office would have been in the
 4 basement in the detail department?
 5 A **In the detail department. Correct.**
 6 Q Did she work with you on the second floor --
 7 A **No.**
 8 Q -- when you were in that part?
 9 A **No. No.**
 10 Q No? Okay. Do you know where she worked at that
 11 time?
 12 A **No, I don't know.**
 13 Q So the first time you met her would have been down
 14 in the basement when the detail department moved
 15 down there; is that right?
 16 A **As far as work -- yes.**
 17 Q Did you know Mrs. Treutel outside of the plant?
 18 A **I knew her husband, and we got to know her.**
 19 Q Okay. And her husband, Mr. Treutel, he worked in
 20 the veneer mill at the plant; is that right?
 21 A **I believe. I'm not going to answer that one that**
 22 **way.**
 23 Q Okay.
 24 A **I'm just going to say I believe it was the veneer**
 25 **mill. I'm not sure.**

1 And would Mrs. Treutel have had to wear a
 2 mask in the detail department?
 3 A **After this all started, yes. Then she was --**
 4 **anybody that went outside the office would have to**
 5 **wear a mask --**
 6 Q Okay.
 7 A **-- into those areas where that mineral core was**
 8 **being worked on.**
 9 Q Okay. And I think you said you remembered the
 10 Treutels living in Stratford; is that right?
 11 A **Correct. Yes.**
 12 Q Do you ever recall the Treutels living in
 13 Marshfield?
 14 A **No. I don't recall that.**
 15 Q Okay. What about Roger Seehafer? Do you know
 16 where Roger lived?
 17 A **No, I do not.**
 18 Q Okay.
 19 A **No. I believe he did live in Marshfield at one**
 20 **time. I think he did. And, again, I mean, I'm**
 21 **only --**
 22 Q Do you know if --
 23 A **-- just guessing at that.**
 24 Q Okay. So you don't know really for sure --
 25 A **No.**

1 Q -- where Roger lived?
 2 Okay. Did you hang out with the Treutels
 3 outside of work at all?
 4 **A No. No.**
 5 Q What about Roger? Did you hang out with him
 6 outside of work?
 7 **A Not a lot. At times, we'd probably go bowling as**
 8 **a group or something like that, yeah. But not a**
 9 **lot, no.**
 10 Q Would that have been while you were working with
 11 Roger or after you retired from the plant?
 12 **A While.**
 13 Q While you were working together.
 14 I've got a few more names I'm going to ask
 15 you about, and hopefully I'm almost done.
 16 And you don't recall Frank Zickert; is that
 17 right?
 18 **A Not really. I don't recall. I heard the name,**
 19 **and that's about it.**
 20 Q Okay.
 21 **A You know, I can't picture the man, no.**
 22 Q And same goes for Sharon Heckel. You don't
 23 remember --
 24 **A Uh-uh.**
 25 Q -- Mrs. Heckel, do you?

1 **A Uh-uh.**
 2 Q Same for Mrs. Mabel Karl. You don't remember
 3 Mrs. Karl, do you?
 4 **A No.**
 5 Q And same from Mrs. Virginia Prust. You don't
 6 remember Mrs. Prust, do you?
 7 **A Prust. Prust. Prust. No. No.**
 8 Q Okay. And her husband, his name was
 9 Valmore Prust.
 10 Do you recall Mr. Prust?
 11 **A No, I do not.**
 12 Q Okay. So you couldn't testify about their work in
 13 the plant at all?
 14 **A Prust?**
 15 Q Um-hum. Correct.
 16 **A The name was in the plant, but picturing or**
 17 **recognizing it by thought, no. No.**
 18 Q Okay. And same for any of these individuals I
 19 just mentioned. You couldn't testify about what
 20 they did in the plant --
 21 **A No.**
 22 Q -- could you?
 23 **A No. No.**
 24 Q And you couldn't testify about what they did
 25 outside of the plant, could you?

1 **A No.**
 2 MS. ELLIS: Okay. I think that's all I
 3 have for right now.
 4 E X A M I N A T I O N
 5 BY MR. CASMERE:
 6 Q Mr. Haeni --
 7 **A Yes, sir.**
 8 Q -- can you hear me okay down there?
 9 **A What's that? Yes, I can.**
 10 Q My name is Ed Casmere. It's nice to meet you,
 11 sir.
 12 Because Ms. Ellis asked most of the questions
 13 I was going to ask, I'm not going to repeat those.
 14 **A Thank you.**
 15 Q So hopefully I'll be pretty short with you, if
 16 that's okay with you.
 17 **A Thank you.**
 18 Q Okay. Do you know when it was that Weyerhaeuser
 19 stopped making a door with the mineral core?
 20 **A When they stopped?**
 21 Q Yes, sir.
 22 **A No, I do not.**
 23 Q Do you know if they stopped making a door with
 24 mineral core before you retired?
 25 **A I can't answer that. I don't know.**

1 Q Do you know if at some point in time Weyerhaeuser
 2 made a mineral core door that did not have
 3 asbestos in the core?
 4 **A Yes, they did. I remember that. Don't ask me**
 5 **when, though, because I can't answer that either.**
 6 Q Did you still refer to those cores that didn't
 7 have asbestos as Kaylo cores?
 8 **A No. Mineral core.**
 9 Q Do you know if, at the plant -- well, strike that.
 10 Do you know if they ever made mineral core
 11 with asbestos at the plant here in Marshfield,
 12 actually making the core itself?
 13 **A I did not know that.**
 14 Q Do you know what -- oh, I'm sorry. Strike that.
 15 You mentioned mineral core was the same as
 16 fire-rated door?
 17 **A Mineral core?**
 18 Q Yes, sir.
 19 **A That was a fire-rated door.**
 20 Q What does a fire-rated door mean?
 21 **A Withstand heat for a fire for X number of minutes,**
 22 **hours, or whatever.**
 23 Q Who rated the door? Do you know?
 24 **A No, I don't know who. But we had labels that we**
 25 **had to put on every one of our doors.**

1 Q Do you recall the name Underwriters
2 Laboratories --
3 A Yes.
4 Q -- or UL?
5 A That was the tag, Underwriters.
6 Q So the fire rating on a door was a UL rating?
7 A Yes.
8 Q All right. To your memory, did you always put the
9 UL tag on the -- on the mineral core doors?
10 A Well, that wasn't in my department, so I can't
11 answer that.
12 Q Do you understand or do you know if the mineral
13 core doors that were fire-rated had to comply with
14 any sort of rules or regulations or designs that
15 were approved by Underwriters Laboratories in
16 order to get that label?
17 A I was told that, yes.
18 Q Is that true throughout your time at Weyerhaeuser?
19 Is that your understanding?
20 A I would say yes.
21 Q Now, you mentioned the name Kaylo earlier when you
22 were at Weyerhaeuser.
23 Was that the generic name that was used to
24 describe the mineral core that had asbestos in it?
25 A Kaylo was -- when that core came to Weyerhaeuser,

1 that's what they said. The Kaylo was there to be
2 unloaded or whatever, you know.
3 Q Did you ever unload the cores?
4 A No.
5 Q Did you ever have any responsibility for ordering
6 the cores?
7 A No.
8 Q Did you ever order the cores?
9 A No.
10 Q Did you ever see the name "Kaylo" written on any
11 material inside the plant?
12 A Every once in a while there would be some flyers
13 that would be stuck in the loads, and that's about
14 all I can say about it.
15 Q In the loads -- how were the loads --
16 A Of the core. Of the core that came through.
17 Q How were the loads -- how did they come to the
18 facility?
19 A I don't know. I never unloaded them, so I
20 wouldn't know what they were.
21 Q Well, you said the flyers would be stuck in a load
22 of core.
23 A Yeah.
24 Q What do you mean by that?
25 A Well, that's because when they would take the core

1 off of there, there would be a flyer in there.
2 And I imagine it was describing something about
3 the core. I don't know.
4 Q Did you ever see a box with the name "Kaylo" on
5 it?
6 A I can't answer that. I don't know. Never did.
7 Q Do you know how you learned the name Kaylo? Was
8 it just by word of mouth?
9 A Well, a lot of it was word of mouth, but we seen
10 the name Kaylo.
11 Q Do you remember how Kaylo was spelled?
12 A I believe it was just K-A-L-O, K-L-O. I'm not
13 sure. But I don't remember that. All I know is
14 it was Kaylo.
15 Q When you met with Mr. McCoy this morning, did he
16 show you any documents to help refresh your memory
17 about anything?
18 A Would you repeat that?
19 Q When you met with Mr. McCoy this morning, did he
20 show you any documents to help refresh your memory
21 about anything?
22 A Show me any documents?
23 Q Yes.
24 A No.
25 Q Did he show you any pictures this morning?

1 A Pictures? No.
2 MR. CASMERE: I think I'm going to stop
3 there, sir.
4 THE WITNESS: Thank you.
5 E X A M I N A T I O N
6 BY MS. GIERKE:
7 Q I'm going to scootch over, Mr. Haeni, because I
8 don't know if I can see you.
9 But I'm going to speak up, but you let me
10 know if you can't hear and I'll move a little
11 closer.
12 A Okay.
13 Q When you were -- at any time when you worked at
14 Weyerhaeuser, were you ever responsible for either
15 hiring new employees or training new employees or
16 doing any kind of orientation with new employees?
17 A Yes.
18 Q Did that occur, I assume, when you were a
19 supervisor?
20 A Um-hum.
21 Q Is that a "yes"?
22 A Yes.
23 Q Sorry. You have to say "yes" or "no" for the
24 record.
25 A Yep. Yes.

1 Q Is that the only time that you did that sort of
2 work with new employees, or did -- when you were
3 also working in the detail room, before you became
4 a supervisor, did you have duties training or
5 giving orientation to new employees?
6 A **No.**
7 Q So only as a supervisor?
8 A **As a supervisor. Yeah.**
9 Q Okay. And remind me again when it was -- were you
10 able to recall what year you became a supervisor?
11 A **I'm not going to even try and put a date on that.**
12 Q Let me see if I can maybe jog your memory or at
13 least narrow it down.
14 Were you a supervisor when that Mr. Wendlick
15 came --
16 A **Yes.**
17 Q -- to visit?
18 A **Excuse me for inter- --**
19 Q I thought that might help us narrow it down.
20 A **Yeah.**
21 Q So -- but at the time that Mr. Wendlick came to
22 visit when you described earlier where he was
23 beginning to notify people about the hazards of
24 asbestos, you were already a supervisor?
25 A **Yes.**

1 until already -- after they'd already been hired?
2 A **They usually were hired.**
3 Q So you didn't make the hiring decision?
4 A **No. Unless I found something out that wasn't --**
5 Q You might give the advice not to hire --
6 A **I could.**
7 Q -- but you never would -- okay.
8 But typically, you were meeting a new
9 employee in a situation where they had just been
10 hired and then they would be sent to you?
11 A **Yes.**
12 Q And then what were your duties when the new
13 employee came to you?
14 A **We usually had employees that would -- we'd**
15 **introduce them to the employees, and then they**
16 **would do the training as to whatever job we put**
17 **them on to.**
18 Q Okay. So as a supervisor, were you actually
19 responsible for the training of the new employees
20 or did you assign that to one of your employees?
21 A **It was assigned to an employee. The employees are**
22 **the ones that know what's going on.**
23 Q Did you ever, as a supervisor, when you were
24 meeting a new employee, have to take them through
25 any of the policies or procedures that were in

1 Q Do you remember how long you had been a supervisor
2 when that happened?
3 A **My recollection on that, no, I can't.**
4 Q And you may have already been asked this, but can
5 you place it at least in the decade? Was it in
6 the decade of the '70s or would it have possibly
7 been in the decade of the '60s or can you be sure?
8 A **That would have put that down -- late '60s, '70s.**
9 **Early '70s, maybe.**
10 Q Okay. So at least narrowing it down, it was
11 either the late '60s or early '70s?
12 A **I'm going to keep this as low as possible.**
13 Q So that's fair? It was either the late '60s or
14 early '70s?
15 A **Approximate.**
16 Q Can you describe what exactly you recall your
17 duties were with regard to new employees as a
18 supervisor at Weyerhaeuser?
19 A **With the new employees?**
20 Q New employees.
21 A **Oh, boy. You try to get acquainted and ask a lot**
22 **of questions that probably don't mean much.**
23 Q Did you interview? Like, right in the initial
24 hiring phase, were you responsible for
25 interviewing or did you not meet the employee

1 writing at Weyerhaeuser?
2 MS. ELLIS: Object to form.
3 THE WITNESS: Some of them. A lot of
4 that was done before they even got to me.
5 BY MS. GIERKE:
6 Q And who would have been responsible for doing that
7 with new employees, in other words, taking them
8 through any paperwork?
9 A **Personnel off- -- the personnel office, whoever**
10 **was in charge there.**
11 Q Is that something you yourself went through when
12 you were hired -- well, I guess when you were
13 hired, it was Roddis; right?
14 A **Well, I remember being hired when I shook hands**
15 **with a man and I had a job.**
16 Q And that was it? You didn't have to go through
17 any paperwork --
18 A **No.**
19 Q -- or anything?
20 A **No.**
21 Q Are you aware of whether Weyerhaeuser had any
22 particular policies or paperwork that they asked
23 new employees to review?
24 A **Would you repeat that?**
25 Q Yeah. I think my questions were sort of assuming

1 that, so I want to back up for a minute.

2 Are you aware of whether Weyerhaeuser at this
3 time period that we're talking about when you were
4 a supervisor -- whether Weyerhaeuser had paperwork
5 or procedures that they would give to new
6 employees when they were first hired?

7 **A They would give --**

8 **Q** Weyerhaeuser would --

9 **A -- the employees?**

10 **Q** -- give to the new employee.

11 **A I'm not aware of it.**

12 **Q** Okay. What about -- do you know what the
13 procedures were for when a new employee was hired,
14 what, if anything, they were required to do before
15 they started working?

16 **A As to what?**

17 **Q** Let me, I guess, be more specific.

18 So the employee was interviewed. Do you know
19 whether they were actually given any kind of
20 initial medical exam before they were hired?

21 **MR. MCCOY:** What point in time? Object
22 to foundation.

23 **MS. GIERKE:** We're talking about when he
24 was a supervisor.

25 **THE WITNESS:** I'm not aware of it.

1 **BY MS. GIERKE:**

2 **Q** Okay. The entire time, I guess I want to know
3 now, did you ever become aware of whether
4 Weyerhaeuser was giving exams to new employees
5 before they hired them? Medical exams?

6 **A I -- to be honest, I can't answer that question.**

7 **Q** That's not something --

8 **A No, I don't recall it.**

9 **Q** What about once you became an employee -- not you
10 personally -- but once someone became an employee
11 at Weyerhaeuser, did there ever come a time that
12 you became aware of where they were doing medical
13 checkups on current employees? Any kind of
14 medical exams of employees?

15 **A No.**

16 **Q** You mentioned that at some point after, when you
17 met Mr. Wendlick -- I think this is when you
18 placed it -- that you would attend safety
19 meetings.

20 **A Um-hum.**

21 **Q** "Yes"?

22 **A Um-hum.**

23 **Q** Sorry. You have to say "yes" or "no."

24 **A Yes. Yes. I'm sorry.**

25 **Q** That was me reminding you.

1 **A I'm sorry.**

2 **Q** And you said, I think, that you don't recall that
3 asbestos was ever discussed at the safety
4 meetings; is that right?

5 **A What safety meeting?**

6 **Q** Was --

7 **A With Mr. Wendlick?**

8 **Q** No. In general. I thought -- maybe I'm wrong.

9 My understanding from what you were saying is
10 that there was a period of time after Mr. Wendlick
11 came on-site at Weyerhaeuser in Marshfield where
12 there would be then ongoing periodic safety
13 meetings at Weyerhaeuser in Marshfield; is that
14 right?

15 **A Oh, yes. There was safety meetings. Yes. Yes.**

16 **Q** After Mr. Wendlick came to visit, did the topic of
17 asbestos ever come up at any of those safety
18 meetings?

19 **A No.**

20 **Q** Okay. You understood that Mr. Wendlick was
21 visiting because he was concerned about the
22 hazards of asbestos; correct?

23 **A Correct.**

24 **Q** And you said you observed or understood that
25 Mr. Wendlick was performing some type of testing

1 in the air?

2 **A Correct.**

3 **Q** And you understood that to be that he was testing
4 dust levels?

5 **A Yes.**

6 **Q** And did you ever learn anything about what the
7 conclusions of those tests that --

8 **A No.**

9 **Q** -- Mr. Wendlick did?

10 **A No.**

11 **Q** He never reported to you or to anyone else who
12 then told you what, if anything, he found in the
13 air?

14 **A Not that I can recall.**

15 **Q** You understood there was some changes made,
16 though, to the way that ventilation and dust
17 collection was happening at Weyerhaeuser after
18 Mr. Wendlick performed his visit initially; right?

19 **A There were changings made -- changes made?**

20 **Q** Right.

21 **A Correct.**

22 **Q** Okay. Did you have any understanding about the
23 connection between Mr. Wendlick's visit and why
24 those changes were made? Were you involved in
25 that at all?

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1 A No.
 2 Q Did anyone ever explain to you at any point what
 3 the purpose of those ventilation changes was, or
 4 did you just observe that it was happening?
 5 MR. McCOY: Object to the form of the
 6 question.
 7 Go ahead and answer.
 8 THE WITNESS: We were told there's
 9 changes -- there's changes being made, and they
 10 made them, you know.
 11 BY MS. GIERKE:
 12 Q No one asked you --
 13 A No. No.
 14 Q -- and no one explained to you why they were doing
 15 it?
 16 A No. Not that I can -- no.
 17 Q Did anyone ever -- well, let me ask it this way.
 18 You said that Mr. Wendlick would periodically come
 19 back after his initial first visit.
 20 A Um-hum.
 21 Q Is that a "yes"?
 22 A Yes.
 23 Q And you mentioned the one time you thought he came
 24 back a year later; correct?
 25 A Yes.

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1 Q Do you remember how many times he came back after
 2 his first visit?
 3 A No. I can't -- no.
 4 Q Did you see him more than that one next time? In
 5 other words, it was more than twice that he came
 6 to Marshfield?
 7 A I can't really answer that. I mean, I don't know
 8 how many times he was there. But his name would
 9 come up periodically.
 10 Q You know, I asked you about did you ever become
 11 aware of medical exams being done at Marshfield.
 12 Do you know whether there was anyone at
 13 Marshfield who was a medical doctor who was
 14 on-site there?
 15 A Not a -- no. I don't know of a doctor, but there
 16 was a nurse there.
 17 Q Okay. And do you remember the nurse's name?
 18 A Brundidge.
 19 Q Do you know, was that a male or a female?
 20 A That was a female.
 21 Q Okay. Do you know Ms. Brundidge's first name?
 22 A I'm trying to think. Oh, my. No, I can't recall
 23 that.
 24 Q Did it start with an "L," or do you know?
 25 A Lois.

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1 Q Lois?
 2 A I think it was Lois.
 3 Q And --
 4 A Maybe.
 5 Q And she was there on-site at Marshfield?
 6 A Yes.
 7 Q At Weyerhaeuser, I should say?
 8 A Yes.
 9 Q What were her duties, if you know?
 10 A If there was any problems -- medical problems with
 11 employees or somebody got hurt or whatever, they
 12 could go out to the medical unit and -- to visit
 13 with her.
 14 Q Did she have any role in doing any kind of
 15 monitoring regarding asbestos exposure at
 16 Weyerhaeuser, to your knowledge?
 17 A If there was, I can't answer that.
 18 MS. GIERKE: Okay. I'm just going to --
 19 I can show this to counsel. I want to mark
 20 something and just show it to you.
 21 And I have one or two documents that I
 22 want to mark. It might make sense, do you want to
 23 take a short break and I can have counsel look at
 24 them so that we're not making Mr. Haeni sit here?
 25 He can take a break?

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1 MR. McCOY: As long as it's quick --
 2 MS. GIERKE: Yeah. It will be.
 3 MR. McCOY: -- because he wants to go.
 4 Okay. We're off the record.
 5 (Exhibit Nos. 3 and 4 marked for identification.)
 6 BY MS. GIERKE:
 7 Q Mr. Haeni, I just want to show you a couple of
 8 documents.
 9 The first we've marked as Exhibit 3, and I'm
 10 going to ask you to take a look at that. And
 11 it's -- for the record, it's a one-page memo dated
 12 March 12, 1974, and at the top it says, From:
 13 L. Brundidge, B-R-U-N-D-I-D-G-E, RN.
 14 A Um-hum.
 15 MR. McCOY: These documents are being
 16 used subject to my objection about first
 17 establishing foundations for his knowledge.
 18 MS. GIERKE: Let me ask the foundation
 19 question, then, Counsel.
 20 MR. McCOY: Can I have a standing
 21 objection to these documents for that?
 22 BY MS. GIERKE:
 23 Q Have you ever seen that document before?
 24 MR. McCOY: Can I have a standing
 25 objection on --

24 (Pages 93 to 96)

1 MS. GIERKE: Sure.
 2 MR. McCOY: All right. Thanks.
 3 THE WITNESS: After reading this, I
 4 don't know anything about it.
 5 BY MS. GIERKE:
 6 Q Okay. It doesn't ring a bell to you?
 7 A No.
 8 Q Let me ask you specifically. In the "to" -- and
 9 there's a list of names there -- I see Bill Haeni.
 10 Is there any reason that -- well, do you
 11 recall receiving written memos when you were
 12 working at Weyerhaeuser as a supervisor?
 13 A Yeah. There's a lot of memos.
 14 Q Okay. Did you guys have, like, a mailbox, like,
 15 you check every day, or does this get -- memos,
 16 did they get delivered to you by somebody?
 17 A Usually delivered by somebody.
 18 Q Okay. But it was part of the practice that you
 19 recall, when you were a supervisor, that you would
 20 periodically get written memos at Weyerhaeuser?
 21 A Yes.
 22 Q And as you look at this document, you don't have
 23 any recollection of receiving it -- well, that's
 24 the question. Do you have any recollection of
 25 receiving this memo?

1 came up, we would be asked if we received the memo
 2 and read the memo. And they said, we don't have
 3 time to read all the memos we get.
 4 Q They said that or that's something that you
 5 remember employees complaining about?
 6 A That's some of the things that we heard while we
 7 was there.
 8 Q Let me ask you, you personally: When you would
 9 get a memo, was it your practice to read the memos
 10 that you got?
 11 A I'd lie if I said I did.
 12 Q So on the scale of always reading the memos and
 13 never reading the memos, where do you think you
 14 fell?
 15 A I fell.
 16 Q Did you read some of the memos, is it fair to say,
 17 or were you one of those folks that never read
 18 them?
 19 A We read something that was of interest when we saw
 20 the title of it.
 21 Q Okay. So you would get the memo, take a look at
 22 the title, the subject line. And if it was
 23 something you felt you needed to read, you'd read
 24 it, but there were definitely some memos you think
 25 you didn't read?

1 A No, I don't.
 2 Q Okay. The names in the "to" line, do you
 3 recognize those names as people who you worked
 4 with when you were at Weyerhaeuser?
 5 A Let me see. (Witness mumbling.)
 6 Q Actually, rather than mumble, maybe I'll say it a
 7 little clearer for the record.
 8 A McGiveron and Terry Wolf. Yeah. I knew all of
 9 those.
 10 Q Okay. So all the names in this document are
 11 people that you recognize as folks that you worked
 12 with at Weyerhaeuser?
 13 A We was associated with at Weyerhaeuser. I did not
 14 always work with.
 15 Q They were employees at Weyerhaeuser?
 16 A Employees at Weyerhaeuser, yes.
 17 Q While you were there?
 18 A While I was there.
 19 Q Were they also supervisors?
 20 A Let's see. McGiveron was some head honcho up
 21 above. Terry Wolf, I can't remember what his -- I
 22 don't believe he was a supervisor, but he was -- I
 23 don't know what his job was.
 24 Q Okay.
 25 A Memos came to our department, and as our meetings

1 A Correct.
 2 Q And the topic I want to ask you about -- without
 3 asking you about the document; you said you don't
 4 recognize this.
 5 But do you recall -- after looking at this
 6 document, is there anything about it that triggers
 7 your memory? When I asked you earlier whether
 8 there had been any medical monitoring done at
 9 Weyerhaeuser, is it still your testimony that you
 10 don't recall that that ever happened?
 11 A I do not recall that. But let me -- I'm going to
 12 try and interject something, but maybe I shouldn't
 13 have to, but there was monitoring after there was
 14 complaint of an employee that there was something
 15 that he felt was wrong. Maybe at that time.
 16 Q Okay.
 17 A Then they would monitor.
 18 Q So at some point, you have a recollection that an
 19 employee complained that something was wrong.
 20 Do you mean they had a physical ailment or
 21 that something was wrong in another way?
 22 A That he wasn't feeling well.
 23 Q Okay. Do you remember who that employee was?
 24 A No.
 25 Q You just have a recollection somebody complained?

1 **A That it has been -- yes.**
 2 Q And that at some point after that, you believe
 3 that there was some type of medical monitoring
 4 done?
 5 **A Yeah. Of that particular employee.**
 6 Q Do you remember the condition that he was --
 7 **A No.**
 8 Q -- complaining of?
 9 **A Oh, excuse me.**
 10 Q No. No. That's fine.
 11 Just to make it clear, though, you don't
 12 remember the condition that that employee was
 13 complaining of?
 14 **A No.**
 15 Q And do you remember if it had anything to do with
 16 asbestos?
 17 **A I can't answer that. I don't know.**
 18 Q And do you remember if the medical monitoring that
 19 you recall happening had anything to do with
 20 asbestos?
 21 **A I can't answer that.**
 22 Q Because you don't recall?
 23 **A I don't recall that, no.**
 24 Q And this memo mentions monitoring sheets that the
 25 supervisor should be in charge of.

1 **A Let me see. There was Wes Sydow. Then there was**
 2 **a young guy. He thought he owned the world. And**
 3 **I can't think of his name. He was only there a**
 4 **short time.**
 5 Q You can't remember his name?
 6 **A No. I can't remember his name.**
 7 Q Okay.
 8 **A He was only there a short time.**
 9 Q I'm going to show you an --
 10 **A And --**
 11 Q Go ahead.
 12 **A There was a short time that there was a -- oh, I**
 13 **can't remember that guy's name either.**
 14 **Well, you got Sydow. I know I reported to**
 15 **him for quite a few years.**
 16 Q How do you -- is it -- how do you spell his name,
 17 if you recall?
 18 **A Let's see. Sydow. It seems to me it was S-Y --**
 19 Q I'm wondering, is he one of the names that's on
 20 this Exhibit 3?
 21 **A Oh, right there. Yeah. Yeah.**
 22 Q Okay.
 23 **A S-Y-D-O-W.**
 24 Q That's not how I was going to spell it, so --
 25 okay. So this memo lists as one of the

1 Does that ring a bell to you?
 2 **A No.**
 3 Q So you don't recall, when you worked at
 4 Weyerhaeuser, filling out anything that you recall
 5 being a monitoring sheet?
 6 **A No.**
 7 Q And you don't recall that that was one of your
 8 duties?
 9 **A No.**
 10 Q Okay. Who is -- do you recall Ken Schommer,
 11 S-C-H-O-M-M-E-R?
 12 **A Ken Schommer. Ken Schommer. The name rings a**
 13 **bell, but I cannot recall the guy right now.**
 14 Q What about Ken Powers?
 15 **A No.**
 16 Q Who was Jerry Saindon? Am I saying that wrong?
 17 **A It's Jerry Saindon.**
 18 **Let me see. What was his job now? Oh, I**
 19 **can't remember what his -- what the job title was.**
 20 Q That's not someone you reported to?
 21 **A I reported to?**
 22 Q Did you ever report to him?
 23 **A No.**
 24 Q Okay. Who did you directly report to when you
 25 were a supervisor?

1 recipients, along with yourself, Wes Sydow, and he
 2 was your direct report?
 3 **A Correct.**
 4 Q Okay. I'm just going to show you another
 5 document. This is a document I marked as
 6 Exhibit 4.
 7 I'll represent to you it's not -- it doesn't
 8 appear to be dated. I just want to have you flip
 9 through it and ask you if you ever saw a document
 10 like that when you worked at Weyerhaeuser.
 11 **A Well, if I'm going to look at the --**
 12 Q And for the record, it's titled, "Working with
 13 Asbestos at Weyerhaeuser."
 14 **A Yeah.**
 15 Q I'm just going to grab it from you.
 16 **A Excuse me.**
 17 Q Oh, go ahead.
 18 MR. McCOY: I'll have the same -- same
 19 objections on foundation.
 20 THE WITNESS: If I'm just going to look
 21 at this, I'm going to say I've never seen this
 22 before.
 23 BY MS. GIERKE:
 24 Q Okay. So you -- based on the title page, the
 25 title is --

1 **A No, I never --**
 2 **Q -- "Working with" --**
 3 **A I don't recall that at all.**
 4 **Q** And for the record, it's titled, "Working with
 5 Asbestos at Weyerhaeuser," and it's a -- it's five
 6 pages copied of a document that is numbered page 1
 7 through 6, and there's at the back an
 8 acknowledgment.
 9 I'm going to ask you just -- not based on the
 10 first sheet, but can you flip through all of it
 11 and just confirm for me that that's not something
 12 you recall seeing when you worked at Weyerhaeuser?
 13 **A It looks to me this was something that was kept a**
 14 **secret.**
 15 **Q** Do you mean by that that you didn't see it when
 16 you worked --
 17 **A No.**
 18 **Q -- at Weyerhaeuser?**
 19 **A No. I can't -- this would have brought attention**
 20 **to this. It would have been something that we**
 21 **should have --**
 22 **Q** What do you mean by that?
 23 **MR. McCOY:** Let me object to more
 24 questioning after there's no foundation to this.
 25 **Go ahead.**

1 **MS. ELLIS:** I'll join in that objection.
 2 **MS. GIERKE:** You can still answer.
 3 **THE WITNESS:** Just scanning through it,
 4 not reading everything, I don't recall this thing
 5 at all.
 6 **BY MS. GIERKE:**
 7 **Q** Okay. You made a comment that -- I don't know
 8 what you were referring to, but you said it looks
 9 like it was kept a secret. You would have
 10 wanted --
 11 **A Well --**
 12 **Q -- to see it.**
 13 **What did you mean?**
 14 **A I would think that if this was going to be**
 15 **something that everyone was supposed to have or**
 16 **each of the supervisors was supposed to have, this**
 17 **would stand out to you. And it would be of quite**
 18 **an interest to see once what the thing was**
 19 **supposed to be about.**
 20 **Q** Okay. So let me ask you this. The topic of this,
 21 I'll represent for the record, deals with employee
 22 safety procedures with regard to asbestos.
 23 **Would you agree?**
 24 **MS. ELLIS:** Object to form. Foundation.
 25 **MR. McCOY:** Yeah. Join in that.

1 **THE WITNESS:** Excuse me. You asked
 2 me --
 3 **BY MS. GIERKE:**
 4 **Q** Yes. Well, you were reading the document. So now
 5 you've had a chance to skim it. And I understood
 6 that you haven't read it and you've testified you
 7 haven't seen this document before today.
 8 **But based on your comments, I want to ask you**
 9 **to confirm: Is it your testimony that the**
 10 **information provided in this Exhibit 4 is not**
 11 **something you were provided, to your**
 12 **recollection --**
 13 **A My recollection --**
 14 **Q -- at Weyerhaeuser?**
 15 **MS. ELLIS:** Hold on a second. Object to
 16 form. Mischaracterization --
 17 **THE WITNESS:** My recollection --
 18 **MS. ELLIS:** -- of the testimony.
 19 **THE WITNESS:** -- no. I do not recall
 20 this at all.
 21 **BY MS. GIERKE:**
 22 **Q** Okay. In reading through, this isn't triggering
 23 your recollection that maybe you did?
 24 **A No.**
 25 **Q** Let me ask you just without regard to the memo,

1 did you recall, when you were a supervisor at
 2 Weyerhaeuser, being told to instruct employees
 3 that they should be --
 4 **Well, let me ask it this way: Did you**
 5 **recall, as a supervisor, being instructed to give**
 6 **employees a new facemask every day at any point?**
 7 **A They had access to get facemasks whenever they**
 8 **needed them.**
 9 **Q** But it wasn't your understanding that they were --
 10 **A No.**
 11 **Q -- to be given a new one every day?**
 12 **A Not I individually give them. No.**
 13 **Q** Okay. Was anybody, to your knowledge, instructing
 14 employees that they should use a new facemask
 15 every day, or was that left up to the employee?
 16 **A I guess it was just that the masks were available.**
 17 **Q** Okay.
 18 **A They would go through maybe two, three, four, five**
 19 **of them a day sometimes, and probably more.**
 20 **Q** So it was left up to the employee to get the masks
 21 as they needed them, and they had access to them?
 22 **A Yeah. Now, if you were told that that is**
 23 **hazardous material to you and you're to wear a**
 24 **mask and you feel that it's no longer a good mask**
 25 **to wear, I believe you'd be taking one as often as**

1 possible.

2 Q And Weyerhaeuser was making the masks available
3 for that purpose?

4 A Correct.

5 Q And that's something that was happening when you
6 were a supervisor?

7 A Correct.

8 Q Was it happening the whole time you were a
9 supervisor?

10 A I don't believe that we had masks available unless
11 they went to the stockroom to -- if we had an
12 employee that had dust problems with -- the
13 problems with dust that they would --

14 Q Okay. But my question --

15 MR. McCOY: He didn't finish his answer.

16 BY MS. GIERKE:

17 Q Were you finished? I'm sorry. I didn't mean to
18 cut you off.

19 A They could go to the stockroom and get them.

20 Q My question was a little bit different, though.

21 I wanted to ask you about your comment that
22 you don't believe that was happening. I guess
23 what I was asking you is: Were the masks being
24 made available to employees from the entire time
25 that you recall being a supervisor?

1 What time periods are we talking about?

2 MS. GIERKE: When you were a supervisor.

3 MR. McCOY: What kind of clothing are we
4 talking about?

5 THE WITNESS: To the ones that were
6 emptying the mineral core bags and that, to them,
7 yes.

8 BY MS. GIERKE:

9 Q Was anybody else issued any kind of special
10 clothes to be worn while they were doing their job
11 at Weyerhaeuser when you were a supervisor?

12 A Not that I'm aware of. Maybe I could have got a
13 suit and a tie out of them if that's the case.

14 Q So you're not aware of any?

15 A No, ma'am.

16 Q I don't have any further -- hold on.

17 Does the name Johns Manville mean anything to
18 you?

19 A Yeah. That's one of the mineral core providers, I
20 believe, if I remember correctly.

21 Q Okay. And when you say "providers," what did they
22 provide?

23 A Mineral core.

24 Q To Weyerhaeuser?

25 A To Weyerhaeuser.

1 A That depends what you're asking as to how were
2 they available. They're available if they're in
3 the stockroom --

4 Q All right.

5 A -- and an employee wanted them. They could get
6 them.

7 Q And based on that description, as your view of
8 they were available to employees when the
9 employees needed them, was that the situation as
10 long as you recall when you were a supervisor?

11 A Yes.

12 Q Okay. What about when you were a supervisor, were
13 employees expected to take a shower on a daily
14 basis?

15 A Not to my knowledge.

16 Q Was there a shower -- there was a shower available
17 as an option, though, on-site at Weyerhaeuser?

18 A There was?

19 Q That's what I was asking you. I was just -- was
20 there?

21 A I'm not aware of one.

22 Q What about -- I think you testified earlier today
23 that there were protective clothing made available
24 to employees on-site at Weyerhaeuser; correct?

25 MR. McCOY: Object again to foundation.

1 Q And is that a product that you had contact with
2 when you were working in the detail room?

3 A Yes.

4 Q Do you remember the first time that you worked
5 with a Johns Manville mineral core product at
6 Weyerhaeuser?

7 A No.

8 Q What about when you were at Roddis? Were you
9 working with that Johns Manville product there?

10 A I can't answer that. I don't know.

11 Q But you definitely remember it --

12 A I remember --

13 Q -- at Weyerhaeuser?

14 A -- Johns Manville. Yes.

15 MS. GIERKE: Okay. Thank you. I don't
16 have any further questions.

17 THE WITNESS: Thank you.

18 MR. McCOY: I got a couple follow-up
19 questions.

20 MS. ELLIS: I have one, too, Bob.

21 Do you want to go first or --

22 MR. McCOY: Go ahead and ask yours.

23 MS. ELLIS: Okay. Because I think I
24 literally have two --

25 MR. McCOY: Okay.

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1 MS. ELLIS: -- just in follow-up.
 2 EXAMINATION
 3 BY MS. ELLIS:
 4 Q Mr. Haeni, very quickly, I just want to follow up
 5 with you.
 6 Your answers to questions about procedures --
 7 safety procedures and your knowledge about safety
 8 procedures, is that limited to the detail
 9 department at Weyerhaeuser?
 10 A No. That was to the plant.
 11 Q So --
 12 A To my knowledge, it was.
 13 Q Okay. But you never worked in any other
 14 department other than the detail department for
 15 the most part; is that true?
 16 A Correct.
 17 Q Okay.
 18 A Yeah.
 19 Q So it's possible that other departments had other
 20 procedures and things like that that you may not
 21 know about --
 22 A Correct.
 23 Q -- is that right? Okay.
 24 A Correct.
 25 Q Okay. And you would -- you would leave it up to

1 that right?
 2 A Correct.
 3 Q Okay. Now, I want to just ask a couple questions
 4 about masks to clarify some things.
 5 When was there some policy about wearing
 6 masks, that you're aware of, or instructions?
 7 A That came after Joe Wendlick was there and gave us
 8 the information about the hazardous material.
 9 Q That was the first -- first visit with
 10 Joe Wendlick; right?
 11 A That's the first visit. Correct.
 12 Q All right. And how was it that the mask policy
 13 came about? Was it something he announced at
 14 meetings or was it something that came about later
 15 or can you describe how that came about for us?
 16 A I --
 17 Q Your recollection.
 18 A From my recollection, I believe it was with a
 19 meeting that he had with our employees.
 20 Q Okay.
 21 A And it was suggested that they wear masks in the
 22 area where the mineral core was being -- in
 23 operation, if we were going to cut openings in
 24 them.
 25 Q Okay. And the masks -- the type of mask that he

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1 the folks in those other departments to talk about
 2 what went on there; is that right?
 3 A Correct.
 4 MS. ELLIS: And the only other thing I
 5 have, Bob, is I'm going to object to that
 6 deposition being marked as an exhibit to this
 7 deposition given that it wasn't discussed or used
 8 at all here. So it doesn't seem like it needs to
 9 be made an exhibit.
 10 MR. McCOY: Okay. Objection is noted.
 11 EXAMINATION
 12 BY MR. McCOY:
 13 Q All right. Mr. Haeni, just a few follow-up
 14 questions.
 15 Okay. When -- you talked about Rita Treutel
 16 working as a clerk.
 17 A Um-hum.
 18 Q And is it correct that the office area where she
 19 worked was an enclosed area?
 20 A Enclosed, yes.
 21 Q Okay. And did she spend most of her time in that
 22 office?
 23 A A good portion. Yes.
 24 Q Okay. The year -- exact year when Weyerhaeuser
 25 bought Roddis, that's something you don't know; is

1 was talking about, what -- what type of mask? I
 2 mean, are these paper? Cloth? What are they?
 3 A I believe it was more like a paper one, wrap
 4 around your ears and held on your face.
 5 Q Had, like, a rubber band on it?
 6 A Yeah. Yeah.
 7 Q Do you know if it was one or two rubber bands or
 8 what?
 9 A Well, there's one on each side.
 10 Q Okay. Now, what was the -- did you pass this
 11 information along to people that were working for
 12 you, or how was it passed along in your department
 13 to the people is what I'm really asking?
 14 A Well, my recollection is I believe that
 15 Joe Wendlick had meetings with our departments.
 16 Especially I'm talking detail.
 17 Q Right.
 18 A And that was told to the employees at that time
 19 that a mask was requested to wear.
 20 Q Okay. And what were the time frame in which they
 21 were supposed to wear a mask?
 22 And when I say that, I mean were they only
 23 supposed to wear it while they were actually doing
 24 cutting or while there was any dust in the air or
 25 the whole time that they worked in the detail area

29 (Pages 113 to 116)

or what was the -- what was the --

A They were supposed to wear them when they were in that particular area when -- working with the mineral core.

Q Working with the mineral core?

A Yeah. Even when I left the office or Rita left the office, if somebody was -- we went out, we had to wear a mask.

Q Okay. So was it for all people in detail all shift long had to wear a mask?

A No. No.

Q Okay. Can you give us a little more description about when somebody would have to wear --

A Well, I'm going to divide the department.

Q Okay.

A Our -- the office was approximately centered off to one side. The mineral core was worked on, was to the north of the department. And that's where dust was being created. And that we had to wear out there.

Q Okay. So it was the area north of the department?

A Where the -- yeah.

Q All right. And did the employees actually wear the masks after the meeting with Mr. Wendlick?

A If I was going to say that employees always wore

their masks, I'd be lying to you. We -- there's no way that any human being is going to control another human being. If they don't want to do it, they won't do it. Or they'll sneak, you know. And there was some that would not wear them.

Q Okay. Was there any change in the types of masks that were being used?

A I don't recall that, no. I can't answer that. I don't recall the change, no.

The only one change that was -- is the men that worked in the baghouse, clean that, they wore a -- almost like a gas mask, only it was for dust, you know, and --

Q Okay.

A It was a more sophisticated mask, in other words, instead of just a little --

Q Are you talking about the baghouse in the detail area?

A Yeah. I'm talking detail.

Q Okay. And when did they start wearing the one like -- that had a gas mask in the detail area?

A Well, if I remember correctly, that's when -- (Interruption in proceedings.)

A -- Wendlick came there, that's what was given, that they were supposed to wear those.

THE WITNESS: I've got to make a call home.

MR. McCOY: I'm almost done, but why don't you -- we'll stop, and go ahead and make your call.

THE WITNESS: Pardon?

MR. McCOY: I'm almost done, but go ahead and make your call.

(A recess is taken from 12:50 p.m. to 12:56 p.m.)

BY MR. McCOY:

Q Now, my next question, do you know, as far as the mask that had the rubber band-type attachments, what brands were being used?

A No. I don't know.

Q Did those -- did the mask always have to be obtained from the stockroom?

A I believe, to my recollection, they were available -- they could come into the office and pick them up.

Q Office in the production area?

A Yeah. In detail.

Q Okay. Were there masks in the detail office before Mr. Wendlick came to Weyer- -- Marshfield?

A I never -- no, I don't believe so.

Q And did the use of the masks, that policy or

practice on that, change before your retirement?

A Yes.

Q Okay. When did it change?

A I don't have no recollection as to the exact time or anything on that, but I know that we didn't have to wear masks anymore.

Q Okay. And why -- what was the reason why you didn't have to wear a mask anymore?

A They were making their own mineral -- they were making non-asbestos mineral core.

Q Non-asbestos?

A Non-asbestos mineral core.

Q Okay. Go ahead. We'll stop.

A No, it's okay now.

Q Okay. And then as far as the time when JM was a mineral core provider, Johns Manville, you're not sure of those exact years; is that right?

A No, I am not.

MR. McCOY: Okay. I think that's all the questions I got.

Okay. That's all the questions I got.

Thanks.

(Deposition concluded at 12:58 p.m.)

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STATE OF WISCONSIN)

) SS:

COUNTY OF MILWAUKEE)

I, Lindsay DeWaide, a Registered Professional
Reporter, Certified Realtime Reporter, and Notary
Public in and for the State of Wisconsin, do hereby
certify that the preceding deposition was reported by
me and reduced to writing under my personal direction.

I further certify that said deposition was
taken at HOLIDAY INN CONFERENCE CENTER, 750 South
Central Avenue, Marshfield, Wisconsin, on the 11th day
of March, 2014, commencing at 10:10 a.m.

I further certify that I am not a relative or
employee or attorney or counsel of any of the parties,
or a relative or employee of such attorney or counsel,
or financially interested directly or indirectly in
this action.

In witness whereof, I have hereunto set my
hand and affixed my seal of office at Milwaukee,
Wisconsin, this 18th day of March, 2014.

LINDSAY DEWAIDE, RPR/RMR/CRR
Notary Public, State of Wisconsin

My Commission Expires: January 22, 2017.